

**AUTHORIZATION FOR RELEASE OF
EMPLOYMENT RECORDS**

TO: WALZ & ASSOCIATES, THE ROTHSTEIN LAW FIRM, THE BROWN LAW FIRM,
AND THE NARVAEZ LAW FIRM

Re: Gary F. Gregor

Soc. Sec. No.: [REDACTED] 9393

Date of Birth: [REDACTED] 1956


This, or my photostatic copy hereof, will authorize WALZ & ASSOCIATES, THE ROTHSTEIN LAW FIRM, THE BROWN LAW FIRM, AND THE NARVAEZ LAW FIRM, P.A., or any representative of such Firms, to examine and obtain copies of any and all documents or other tangible things as they may request, which pertain to my employment.

This will further authorize you to deliver to the above-named attorneys any and all records contained in my personnel file, including but not limited to employment evaluations, disciplinary actions, time and attendance records, wage and salary records and any records relating to physical or psychological examinations, fitness for duty, accidents, injuries, illnesses or disabilities.

These records shall not be shared with anyone other than the above listed Firms, pursuant to the Stipulated Confidentiality Order [Doc. 33]. The afore mentioned Stipulated Confidentiality Order governs the release of any employment records obtained

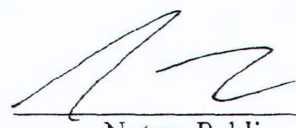
This Authorization shall be valid for two years from the date hereof.

Dated and signed this 20 day of November, 2014.


NAME

STATE OF NEW MEXICO)
COUNTY OF Rio Arriba) ss.

The foregoing instrument was acknowledged before me this 20 day of November, 2014, by Gary Gregor.


Notary Public

My Commission Expires:

10/19/16

Carlos Sedillo

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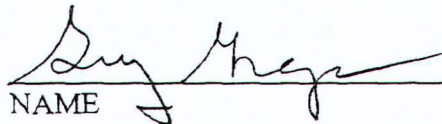
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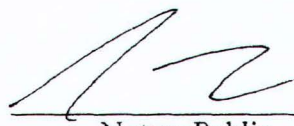
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Eileen Ulibarri

From: Shalada [Shalada@walzandassociates.com]
Sent: Monday, December 08, 2014 9:53 AM
To: Eileen Ulibarri
Cc: Jerry A Walz; Henry F. Narvaez; Carlos Sedillo; Danny Trujillo
Subject: RE: Emial test
Attachments: Authorization for Release of Employment Records_Montoya_executed.pdf; Authorization for Release of Employment Records_Gregor_executed.pdf

Eileen,

Attached please find the records releases for Ruby Montoya and Gary Gregor. Mr. Walz and Mr. Narvaez will be there in about 30 minutes.

Please call me with any questions.

Sincerely,

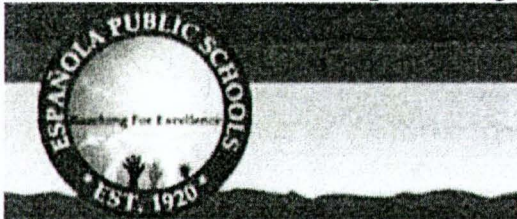
Shalada C. Creecy, Legal Assistant
Walz and Associates, P.C.
133 Eubank Blvd NE
Albuquerque, NM 87123
505-275-1800
505-275-1802 (fax)

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From: Eileen Ulibarri [mailto:eileen.ulibarri@k12espanola.org]
Sent: Monday, December 8, 2014 9:50 AM
To: Shalada
Cc: Eileen Ulibarri
Subject: Emial test

Please respond to this email. Thank you.

Eileen M. Ulibarri
Executive Administrative Assistant
Superintendent's Office
Española Public Schools
714 Calle Don Diego
Española, New Mexico 87532
ph. no. (505) 367-3303
email: eileen.ulibbarri@k12espanola.org



Quote:

"if your actions inspire others to dream more, learn more, do more and become more, you are a leader."

John Quincy Adams

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Ex-SFPS teacher accused of sex abuse in Española

By Robert Nott

The New Mexican | Posted: Tuesday, March 4, 2014 8:30 pm

A former Santa Fe Public Schools teacher who has been accused repeatedly of sexual misconduct involving students in three states is being sued on allegations of molesting an Española fourth-grader on numerous occasions.

The suit, filed by the girl's parents in state District Court late last week, charges Gary Gregor with battery, negligence and other wrongful actions against the girl during the 2007-08 school year. The girl is identified as K.S. in the 46-page complaint.

The suit also names Santa Fe Public Schools, Española Public Schools, former Agua Fría Elementary School principal Vickie Sewing and former Fairview Elementary School principal Ruby Montoya of Española as defendants. Gregor, 57, had previously taught at both Ortiz Middle School and Agua Fría Elementary in Santa Fe.

Gregor could not be reached for comment Tuesday, and no legal representative for him is named in the suit.

According to the complaint, after designating K.S. as class secretary, Gregor assigned the student to sit next to him in his fourth-grade classroom at Fairview Elementary. She said he touched her hundreds of times underneath her clothes, and when she asked to be moved to another class, he gave her a B instead of an A on a math test. He also gave her gifts, including a large teddy bear and coloring sets, and invited her to spend the night at his house, which she never did, the complaint says.

The complaint includes similar allegations against Gregor by two other girls, identified as V.S. and N.H.

Although Gregor's alleged behavior was known to school officials in both districts, he apparently was never reported to the Children, Youth and Families Department or to law enforcement until an Española father filed a police report in April 2009, according to the complaint.

The lawsuit contends nobody appears to have stopped him from moving on to the next school and continuing his pattern of abuse. And neither Santa Fe Public Schools nor Española Public Schools dug deep enough into Gregor's background before hiring him, the suit claims.

The suit is asking for unspecified damages for emotional distress and humiliation suffered by the girl.

According to the court papers, Gregor worked for SFPS between 2000 and 2004, and he was often reported for fondling, tickling and hugging the girls in his class at Agua Fría Elementary. Neither the district nor Sewing, the school's principal, reported these incidents to CYFD or to law enforcement, although Sewing expressed "serious concerns" about Gregor's behavior, the suit contends.

In 2004, after museum guides complained Gregor was fondling girls on a field trip, the district served him with a notice of discharge, but no referral was made to police or state officials, the suit says. Months later, the Rape Crisis Center reported to Sewing what Gregor's students had disclosed about his inappropriate classroom behavior during an instructional unit in March 2004 on "good touch, bad touch."

In June of that year, Gregor agreed to resign, withdraw a request for any formal hearing on his discharge and never work for the district again.

The lawsuit says the district agreed to give only a "neutral reference" and the bare work-related facts to anyone inquiring about his employment in Santa Fe.

Española Public Schools hired Gregor in 2005, but he did not begin teaching second grade there until August 2006.

The complaint details numerous allegations of misconduct against him in Española, including: sitting too closely to some girls in the cafeteria; telling one female student it is OK for an older man to marry a 12-year-old girl; calling one girl from a long-distance phone; giving one student gifts and asking her to spend the night at his house; and touching girls in their "private parts."

The mother of one girl said all of her daughters spent the night at Gregor's home twice, according to the suit. Principal Montoya, who was friends with Gregor, knew about this, the suit claims.

The mother of another girl said Montoya told her not to call the police because she, Montoya, would take care of the problem, the suit says. The court document contends there is no record of Montoya "taking any action whatsoever with respect to these allegations, except, perhaps, talking to Defendant Gregor."

K.S.'s father finally contacted the Española Police Department in the spring of 2009. After an investigation, the detective said in a report that he forwarded the case to the district attorney.

The school district placed Gregor on administrative leave in May 2009. But in January 2010, Montoya signed a "Superintendent's Recommendation For Continuing Licensure" for Gregor, the suit says. When Gregor applied for a renewal of his teaching license with the Public Education Department in May 2010, however, the department refused and filed a "notice of contemplated action" against him.

In the summer of 2011, Gregor appealed the the department's decision but failed. At that time, department spokesman Larry Behrens said Gregor would never receive a license to teach in the state of New Mexico again.

In 2011, then SFPS superintendent Bobbie Gutierrez told *The New Mexican* that while she did not know the details of the agreement, which was negotiated by her predecessor, it remained confidential.

On Monday, SFPS attorney Geno Zamora said the district has not yet received the District Court complaint and could not comment on it.

Cammie Nichols, the attorney for K.S., confirmed Monday that her firm has not yet served notice on any of the defendants. "It's a heartbreaking situation, and I wish we didn't have to file it because I wish it didn't happen," she said.

A call to Española Superintendent Danny Trujillo — who was not superintendent during the time Gregor was employed — was forwarded to Human Resources Director Esther Romeo, who said she could only confirm Gregor had worked for the district at one time and no longer is employed there. She said any other information about him falls under a private personnel agreement that can only be accessed if Gregor signs an affidavit of release for those documents.

Efforts to reach Sewing — who left the Santa Fe district in 2006 — and Montoya for comment were unsuccessful.

The complaint contends there also were parental complaints about Gregor's interaction with his female students in Utah and Montana, dating back at least to the 1990s. In Utah, he was charged with sexual abuse and lewdness in 1995, but the case was dismissed by a district judge who said the conduct did not rise to the level of a criminal act.

Contact Robert Nott at 986-3021 or rnott@sfnwmexican.com.

Eileen Ulibarri

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Sent: Monday, December 08, 2014 9:53 AM
To: Eileen Ulibarri
Cc: Jerry A Walz; Henry F. Narvaez; Carlos Sedillo; Danny Trujillo
Subject: RE: Emial test
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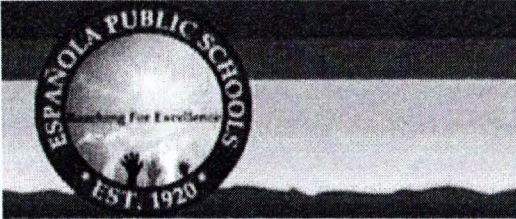
Shalada C. Creecy, Legal Assistant
Walz and Associates, P.C.
133 Eubank Blvd NE
Albuquerque, NM 87123
505-275-1800
505-275-1802 (fax)

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Eileen M. Ulibarri
Executive Administrative Assistant
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ph. no. (505) 367-3303
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Please consider the environment before printing this email.

ESPANOLA PUBLIC SCHOOLS
HUMAN RESOURCE DEPARTMENT
714 CALLE DON DIEGO
ESPANOLA, NEW MEXICO 87532
505-753-2254
Fax 505-753-4699

DATE: October 24, 2011

TO: Carol S. Helms

COMPANY:

(505) 843-9318 Fax

TOTAL NUMBER OF PAGES: *Part 2*

RE: Gary Gregor case for the IPRA case

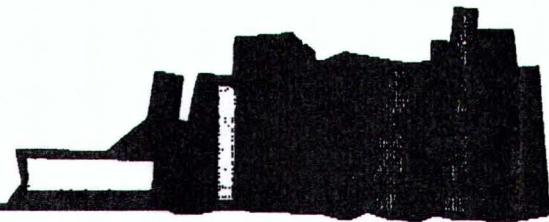
From: Esther V. Romero
Human Resource Manager

PRIVILEGED AND CONFIDENTIAL INFORMATION DISCLOSURE PROHIBITED:

The information contained in this electronic message contains information from the Española Public School District, which is confidential or legally privileged. The information is intended only for the use of the individual or entity named in this message. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action and reliance on the contents of this electronic message is strictly prohibited. Unauthorized dissemination or disclosure of information from EPSD may result in criminal or civil penalties. The message should be returned to this district immediately.

CONFIDENTIAL

Mountain View Elementary School
Mr. Felix Gonzales, Principal
P.O. Box 39, Cordova, N.M. 87523



"Memorandum"

To: Mr. Wilfred Martinez
Mrs. Corine Salazar

Fr: Felix Gonzales *Felix Gonzales*

Re: Gary Gregor

Date: February 16, 2005

An incident concerning Mr. Gregor and a third grade student was reported to me February 15, 2005.

Report from an instructor at Mountain View told me that Mr. Gregor was getting too friendly with a third grader.

- 1) student sitting on his lap.
- 2) student stroking his cheek.
- 3) Mr. Gregor seeking student to be near him.

I inquired from the staff member where she heard this and she states that four girls from fifth/sixth grade had observed this from Mr. Gregor.

Student from fifth/sixth grade came in to my office and reported this incident/incidents to me.

I informed Mr. Wilfred Martinez and Mrs.. Corine Salazar about their allegations and I received permission from them to place Mr. Gregor on paid Administrative leave immediately and report this incident to Child Protective Services.

Mrs. Monks our counselor came to Mountain View and she talked to the girls involved in reporting the incident. Mrs. Monks and myself agreed that an investigation on the allegations had to take place.

Child Protective Services were contacted on advise from our school attorney.

CONFIDENTIAL

Feb. 18, 2005

To Whom It May Concern:

This statement relates to the concerns with Mr. Gregory, a teacher at Mountain View Elementary School. On Tuesday, February 15, 2005, it came to Mr. Gonzalez, the school principal's, attention that a student had been sitting on the lap of her teacher, Mr. Gregory. The principal asked me, the school counselor to come up to hear the statements of the students expressing concern.

I met individually with four of the sixth grade girls who had expressed concern. Their statements regarding the teacher and the student were very similar. Each girl stated that they had either been present to see the student sit on the teacher's lap or their younger sibling had told them that a student had been sitting on the teacher's lap. Each of the four girls stated that just one student had been sitting on the teacher's lap. They stated that the teacher asked her to get down, but she did not. Several of the girls stated that he sent the student to another classroom. They assumed that he sent her to another classroom for time-out because she wouldn't do as he had asked (not sit on him or touch him). The girls stated that they were afraid the teacher would get in trouble over the girl's behavior. They also stated that they were worried that "something" could happen. All of the older girls felt uncomfortable over the behavior that they observed.

Mr. Gonzalez told me that he asked the teacher to go home until the situation could be investigated. He also told me to report the incident to CYFD due to the student's unusual behavior, which I did.

The following morning, Feb. 16, 2005, Mr. Gonzalez and I met with the student's mother to explain the concerns. The mother understood our concern. She explained that her daughter is very affectionate. I explained that Mr. Gonzalez had me report the incident to CYFD because of the behavior of her daughter. We explained that this was in the interest of keeping her daughter safe. CYFD did not seem to feel this was abuse or neglect but they understood the need to report due to suspicious behavior.

On Feb. 17, 2005, I met with the student in order to assess her anxiety level. Other students had told their teachers that she had been being accused of being inappropriate. She explained that her mother had spoken to her about the concern. She seemed relaxed, but wanted me to know she had not sat on the teacher's lap. I did not challenge this statement.

I trust that the above information will help in investigating the matter.

Sincerely,


Cheryl Monks, Mountain View Elementary School Counselor

CONFIDENTIAL

The mother of the child was called and a meeting was held at 7:30 a.m. on February 16, 2005. She was informed about her child and teacher about this incident. Mrs. Monks and myself held the meeting with the child's mother.

State of New Mexico
Public Education Department
Educator Ethics Bureau
(505) 827-4523



This form only for use by officials of
school districts, charter schools or
RECs when reporting ethical misconduct.

ETHICAL MISCONDUCT REPORTING FORM

(22-10A-5, NMSA 1978)

Misconduct must be reported to PED within **30 days** of a licensed employee's departure *but only if an investigation resulted in a finding of wrongdoing.*

Name of Licensee: **Gary Gregor**

Licensure Number: **265923**

Date Licensee left: / /

Licensee's Last Known Address:

Street Address: PO Box 388

City: Espanola

State: NM

Zip: 87732

Phone # (Home): 505-316-0555

Phone # (Cell):

Mailing Address:
(enter only if different than street address)

Ethical Infraction(s) being reported: *[check all infractions that apply]*

- | | | | |
|--------------------------------------|-------------------------------------|----------------------------------|--------------------------|
| Inducing minor into an illegal act | <input type="checkbox"/> | Discriminatory act against minor | <input type="checkbox"/> |
| Inducing minor into an immoral act | <input type="checkbox"/> | Violence against a minor | <input type="checkbox"/> |
| Inducing minor into a prohibited act | <input type="checkbox"/> | Sex with a minor | <input type="checkbox"/> |
| Sexual harassment of a minor | <input type="checkbox"/> | Other | <input type="checkbox"/> |
| Inappropriate contact w/ a minor | <input checked="" type="checkbox"/> | | |

1. Summary of alleged ethical misconduct (*who, what, when, where*):

A summary of findings of the District internal investigation includes multiple accounts of the following:

1. **Inappropriate physical contact with students initiated by Dr. Gregor;**
2. **Inappropriate gift-giving to students by Dr. Gregor;**
3. **Inappropriate invitations by Dr. Gregor for students to go to his residence.**

Inappropriate Physical Contact

The female students I interviewed stated that as 4th graders, Dr. Gregor made them feel very uncomfortable by rubbing their legs and touching their waists underneath their clothes. He also attempted to touch them on their "private parts". Students indicated that he never actually did touch their private areas because they did not let him. Consistencies in student narratives included that the physical contact often occurred when Dr. Gregor would have female students sit next to him at his table as elected class officers. Dr. Gregor denied touching the students and stated that there was always another adult in the room in the form of the foster grandmother. The foster grandmother acknowledged that students often sat at the same table as Dr. Gregor, but that she never witnessed anything improper. The foster grandmother also said that she was only present in the classroom from 8:30 a.m. to 1:00 p.m. The girls stated that Dr. Gregor never did anything while other adults were in the room.

Students also reported that Dr. Gregor insisted on sitting with them during lunch and holding their hands to and from the cafeteria. The students reported that Dr. Gregor would sometimes ask them to stay in for lunch, but to protect one another, the children would never leave a classmate alone with Dr. Gregor. Students also employed various strategies to avoid the discomfort they felt around Dr. Gregor. One student stated that she stopped wearing skirts, and would instead wear pants, double jackets, and tight belts to prevent accessibility. The students also reported that they tried to purposely elect all boys as class officers to avoid having to sit next to Dr. Gregor, but that he told them that there had to be girls represented as officers. Dr. Gregor maintained that sitting next to him was an option for class officers and that officers were rotated about every three weeks.

One student stated that Dr. Gregor made attempts to keep her in the class because he wanted to kiss her, but she did not let him. Students stated that on more than one occasion, he told them they could get in trouble if they told anyone about the physical contact. According to students, fear prevented them from initially reporting anything to school officials or their parents. The Principal and Librarian at E.T. Salazar Elementary attested to the credibility of the students and had no reason to doubt their testimony.

Inappropriate Gift-Giving

Dr. Gregor stated that gifts to students were token reinforcements for good behavior, good grades, or for being elected as a class officer. He said that students were rewarded for straightening out the classroom and collecting papers. In addition to soda, candy, chips and school supplies, he stated that he gave personal things away that he otherwise would have thrown out, but that he didn't go out and purchase anything. Students acknowledged receiving sweets, crayons, markers, books, arts and crafts. They also reported that Dr. Gregor gave teddy bears, princess pillows, and other stuffed animals to girls exclusively.

One particularly questionable gift from Dr. Gregor to a student was a cell phone. The student's mother stated that Dr. Gregor purchased the phone for the girl and put her on his family plan. When asked what the purpose of the phone was, the mother stated that it was so he could stay in contact with the student. Dr. Gregor couldn't recall the circumstances surrounding the purchase of a cell phone, but that the student and her family were friends with his wife, so they added her to his phone plan. He couldn't recall a specific purpose for buying the student a cell phone, but that it was provided when the student was in fifth grade (the year after he was her teacher). The mother stated that she thought it was during the 4th grade year because the student and teacher used to communicate often using the mother's phone, and Dr. Gregor suggested buying the student a phone of her own. This arrangement lasted about six months, but was discontinued. Dr. Gregor stated that his wife had lost her phone and so they needed the student's cell phone as a replacement. The mother contends he took back the phone because communication between Dr. Gregor and the student became less frequent and that the girl had, in fact, stopped taking his calls. Dr. Gregor stated that he never called any students. Dr. Gregor indicated that the families are friends to this day, but that was contradicted by the mother's statement that as soon as she found out about the inappropriate touching, she stopped all contact with Dr. Gregor and his wife.

A second student interviewed mentioned that Dr. Gregor had offered to buy her a cell phone, as well, but that her mother refused permission. Contrary to Dr. Gregor's statement about not calling students, the mother of the second child I interviewed stated that his phone calls even became annoying. She estimated that he would call up to twenty times a day and when the mother questioned the frequency of the calls, he offered to buy a cell phone for the student.

Inappropriate Invitations to go to his house

The parents I interviewed all reported that Dr. Gregor invited their children to go over to his house for parties and to spend the night. Only the student who was reportedly a family friend actually did spend the night, but the three parents I talked to indicated that Dr. Gregor made multiple invitations for their children to go to his house. The student who went to his house claims that he asked her what she would be wearing and what she wanted him to wear. Dr. Gregor denies those claims.

Dr. Gregor could not recall inviting any students to his house, but that it was possible that his wife invited kids over. He stated that the only family he could recall as spending time at his house was the one identified earlier as family friends, for whom he had purchased a phone. To his recollection, the sleep over occurred outside the school year and that it occurred during the girls fifth grade year, so she was no longer his student at the time. Dr. Gregor stated that it wasn't inappropriate for the girl to stay at his house because she was no longer his student. He stated that early in his teaching career in Utah it was very common for teachers and students to have activities together, but they should be very careful about things like that. The student interviewed stated that nothing inappropriate occurred during the sleep-over. She said she stayed close to his wife and her young siblings the entire time. The inappropriate touching, she stated, occurred in Dr. Gregor's classroom.

2. Identity of each witness interviewed and a summary of their statement:


- Ms. Ruby Montoya, Principal, E.T. Salazar Elementary
- Detective Bryan Martinez, Espanola City Police
- Mr. Tomas Salazar (parent of alleged victim/witness Kathlynn Salazar)
- Ms. Bernadette Rivas (parent) and Ms. Nallele Hernandez (student, alleged victim/witness)
- Mrs. Veronica Dean, Librarian, E.T. Salazar and neighbor to Dr. Gregor
- Dr. Gary Gregor, Teacher, Grievant
- Ms. Anabelle Marquez (parent) and Ms. Anna Loya (student, alleged victim/witness)
- Ms. Tracy Oliver, HR Officer, Santa Fe Public Schools
- Ms. Connie Martinez, Foster Grandmother, E.T. Salazar Elementary

(Please see attached interview transcripts for witness statements)

3. Reasons for concluding that the allegation of ethical misconduct is substantiated:

Based on the interviews conducted, there is sufficient evidence suggesting wrongdoing by Dr. Gregor on the basis of breaching various sections of District Policy.

Form submitted by:**If not submitted by Superintendent, did Superintendent review this form?**

(signature) 	(name of district, charter school, REC) Espanola Public Schools, District #55	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No
(printed name & title) Dr. Fidel J. Trujillo, HR Director	(date) 05 / 24 / 10	

Please attach the following documents:

1. the licensee's employment contract,
2. any settlement or departure agreement signed by the licensee,
3. signed or unsigned witness statements,
4. police reports,
5. documentary evidence considered during the investigation (excluding employee's evaluation),
6. investigatory report, and
7. any other documents or records you believe the PED should consider.

Instructions and considerations for using this form:

1. This form is for use only by of a school district, charter school, or RECs to report ethical misconduct to the PED.
2. When completing the form, just place cursor directly in gray shaded boxes then type in your data entries and narrative responses.
3. Use this form only when reporting on a departing *licensed* employee who left while being discharged or terminated, or who otherwise decided to leave employment, after an allegation or accusation of ethical misconduct was made against that employee.
4. You must report ethical misconduct on this form to the PED's Educator Ethics Bureau within **30 days** of a licensed employee's departure *but only if the investigation you conducted resulted in a finding of wrongdoing.*
5. The law prohibits a school district, charter school or REC from entering into a settlement agreement with such a departing employee that would eliminate the responsibility of investigating and reporting to the PED the alleged ethical misconduct. Any such agreement is void.
6. The law also prohibits a school district, charter school or REC from maintaining a copy of this form in any of its files!
7. **Mail form to:** Public Education Department, Educator Ethics Bureau, 300 Don Gaspar, Santa Fe, NM 87501-2786; or **Fax to:** (505) 827-???? (don't forget your attachments!)

Excerpt of Section 22-10A-5 of law:

A. As used in this section, "**ethical misconduct**" means unacceptable behavior or conduct engaged in by a licensed school employee and includes inappropriate touching, sexual harassment, discrimination and behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.

* * * * *

F. A local superintendent, charter school administrator or director of a regional education cooperative or their respective designees shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing, the local superintendent, charter school administrator or director of a regional education cooperative shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the department and the licensed school employee within thirty days following the separation from employment. Copies of that form shall not be maintained in public school, school district or regional education cooperative records. No agreement between a departing licensed school employee and the local school board, school district, charter school or regional education cooperative shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void. Unless the department has commenced its own investigation of the licensed school employee prior to receipt of the form, the department shall serve the licensed school employee with a notice of contemplated action involving that employee's license within ninety days of receipt of the form. If that notice of contemplated action is not served on the licensed school employee within ninety days of receipt of the form, the form, together with any documents related to the alleged ethical misconduct, shall be expunged from the licensed school employee's records with the department and shall not be subject to public inspection.

G. The secretary may suspend, revoke or refuse to renew the license of a local superintendent, charter school administrator or regional education cooperative director who fails to report as required by Subsections E and F of this section.

H. A person who in good faith reports as provided in Subsections E and F of this section shall not be held liable for civil damages as a result of the report. The person being accused shall have the right to sue for any damages sustained as a result of negligent or intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.

The internet link to the entire reporting law is: <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

COPY

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT

PUBLIC EDUCATION DEPARTMENT,

Petitioner,

vs.

Licensure File #265-923

GARY F. GREGOR,

Applicant/Respondent.

NOTICE OF CONTEMPLATED ACTION

The Licensee, Gary F. Gregor (hereafter, "Applicant"), is hereby given notice that the New Mexico Public Education Department ("hereafter, "PED"), acting through its Educator Ethics Bureau (hereafter, "EEB"), proposes to take adverse administrative licensure action against Applicant and, more specifically, proposes to deny Applicant's Application for Continuing Licensure.

In accordance with the requirements of the Uniform Licensing Act at NMSA 1978, §61-1-4 (D) (1), the Applicant is advised that the PED has sufficient evidence that, if not rebutted or explained, will justify the PED in denying the renewal of Applicant's educator licensure. This Notice of Contemplated Action (hereafter, "NCA") explains the legal basis for the contemplated action, the general nature of the evidence against the Applicant, the adverse licensure action proposed, notification of the Applicant's right to request an administrative hearing, and a statement of the rights of a person entitled to such hearing.

I. LEGAL BASIS FOR CONTEMPLATED ACTION

The PED has jurisdiction to hear or to designate a hearing officer and to take adverse licensure action against the Applicant pursuant to the following authorities: the School Personnel Act, NMSA 1978, §22-10A-1 *et seq.*; Laws 2004, ch. 27 [Public Education Department Act]; and the Uniform Licensing Act, NMSA 1978, §61-1-1, *et seq.*

Pursuant to §22-10A-31, *supra*, of the School Personnel Act, “[i]n accordance with the procedures provided in the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978], the state board [Department] may deny, suspend or revoke a department-issued license for incompetency, moral turpitude or any other good and just cause.” The Uniform Licensing Act provides, at §61-1-3, that licensees or applicants shall be afforded notice and an opportunity to be heard before an agency has authority to take any action which would result in adverse licensure action including but not limited to suspension or revocation of a license.

II. GENERAL NATURE OF EVIDENCE AGAINST LICENSEE

1. Applicant signed and dated an Application for Continuing Licensure on May 27, 2010, and it was received by PED on the same date. According to the EEB’s records, Applicant is applying to renew his Level 2, Elementary K-8 and Special Education, K-12, licenses. Both licenses became effective July 1, 2001 and expired on June 30, 2010.

2. During the 2008-2009 school year, Applicant was employed by the Espanola Public Schools (EPS) as an elementary school teacher at E.T. Salazar Elementary School.

3. During the 2008-2009 school year, Applicant had inappropriate physical contact of a sexual nature with minor female students, inappropriately attempted to kiss minor female students, inappropriately gave gifts to students and made inappropriate invitations to minor female students to go to his residence with him and spend the night there. EPS served on Applicant a Notice of Termination on May 14, 2010, at the conclusion of his then current teaching contract.

4. During the 2008-2009 school year, Applicant often allowed his wife to volunteer in his classroom, despite the fact that she was neither a licensed substitute nor had the proper background check for someone who would have unsupervised access to students.

Count 1

5. Licensee's conduct as described in Section II above constitutes discrimination, unduly influencing students, inappropriately giving gifts to students, inappropriately touching students and other prohibited behavior with students in violation of Licensee's duties to his students and to the profession as expressed in the pertinent provisions of Regulation 6.60.9 NMAC [*Code of Ethical Responsibility of the Education Profession*] containing the Code of Ethics and Standards of Professional Conduct governing licensed educators. Licensee's conduct violated the following provisions:

(a) 6.60.9.9(B) (Standard I - Duty to the Student) (2) of the Standards of Professional Conduct prohibiting educators from discriminating against students within

their control, supervision or responsibility on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;

(b) 6.60.9.9(B) (Standard I - Duty to the Student) (3) of the Standards Professional Conduct requiring educators to avoid using their positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal or immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in that behavior;

(c) 6.60.9.9(B) (Standard I - Duty to the Student) (5) of the Standards Professional Conduct prohibiting educators from giving a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;

(d) 6.60.9.9(B) (Standard I - Duty to the Student) (7) of the Standards Professional Conduct prohibiting educators from having inappropriate contact with a student, whether or not on school property, which includes but is not limited to (a) forms of sexual touching, sexual relations or romantic relations; (b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student; (c) any open displays of affection toward mostly-boys or mostly girls;

(e) 6.60.9.9(B) (Standard I - Duty to the Student) (8) of the Standards Professional Conduct prohibiting educators from interfering with a student's right to public education by sexually harassing a student, which prohibited behavior includes

any verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity; and (b) creating an intimidating, hostile or offensive work/school environment by, at a minimum, engaging in any of the prohibited behaviors set forth at paragraph 7 or subparagraph a of paragraph 8, subsection B of 6.60.9.9 NMAC.

6. The foregoing enumerated violations of the Standards of Professional Conduct constitute good and just cause for adverse disciplinary action, and the EEB is authorized by 6.60.9.10 NMAC to seek the same.

Count 2

7. Licensee's behavior as described in Section II above constitutes good and just cause to deny his application for educational licensure inasmuch as his conduct constitutes a violation of Subsection 8(C)(4) of 6.68.3 NMAC [*Suspension or Revocation of a License Held by a Licensed School Individual*] prohibiting a willful violation of any PED regulation prescribing standards of conduct for licensed school personnel at a time when the charged individual was subject to such requirement.

Count 3

8. Licensee's behavior as described in Section II above constitutes good and just cause to deny his application for licensure inasmuch as his conduct interfered with a student's right to a free public education as provided by Section 22-1-4 NMSA 1978 of the Public School Code and Article 12, Sections 1 and 5 of the New Mexico Constitution.

Count 4

9. Licensee's conduct as described in Section II above constitutes good and just cause to deny his application for licensure in that it involves, in part, sexual

misconduct with a minor student, all while he was in a position of authority and able to exercise undue influence over a minor. Such conduct also constitutes moral turpitude. Moreover, some of the misconduct directly related to Licensee's employment in an educational setting and calls into question his fitness, trustworthiness and suitability to engage in unsupervised teaching or other educational activities with minor female students.

Count 5

10. Licensee's behavior as described in Section II above constitutes good and sufficient cause to deny his application for licensure inasmuch as his conduct constitutes failure to require a background check of someone with unsupervised access to students in violation of NMSA 1978, §22-10A-5(D).

Count 6

11. Licensee's behavior as described in Section II above constitutes good and sufficient cause to deny his application for licensure inasmuch as his conduct violated the Board of Education's policies G-0750 requiring staff members to maintain appropriate professional behavior while working with students; G-0850 requiring staff to accord students the dignity and respect they deserve; and G-0900 discouraging gifts to students by staff members.

III. CONTEMPLATED ACTION

1. Sufficient evidence exists to justify the PED in denying Applicant's application for educator licensure pursuant to NMSA 1978, §61-1-3.

2. In accordance with NMSA 1978, §61-1-4(D)(3), the PED will or may take the contemplated action unless within twenty (20) days after service of this NCA the Licensee deposits in the mail a certified return receipt requested letter addressed to Dr. Susanna M. Murphy, Secretary of Education, and containing a request for an administrative hearing. Such request for an administrative hearing should be mailed to Dr. Susanna M. Murphy, Secretary of Education, Public Education Department, 300 Don Gaspar, Santa Fe, NM 87501.

3. Licensee is advised that, pursuant to NMSA 1978, §61-1-4 (E), if he does not mail a request for a hearing within the time and in the manner required by §61-1-4(D)(3), the PED may take the action contemplated in this notice, and such action shall be final and not subject to judicial review.

4. Licensee is further notified that any final decision entered in this action shall be made a permanent part of his licensure file with the PED and EEB, shall be accessible to all New Mexico school districts and shall be reported, to NASDTEC's national clearinghouse.

5. NMSA 1978, §61-1-4(G) of the Uniform Licensing Act provides that "Licensees shall bear all costs of disciplinary proceedings unless they are excused by the [PED] from paying all or part of the fees or if they prevail at the hearing and an action specified in Section 61-1-3 NMSA 1978 is not taken by the [PED]."

IV. STATEMENT OF RIGHTS

The rights of a person entitled to a hearing, pursuant to NMSA 1978, §61-1-8 of the Uniform Licensing Act, are as follows:

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as a matter of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

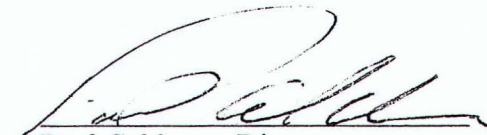
B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

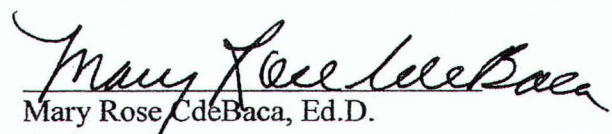
C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

08/20/10
Date


Paul Calderon, Director
Educator Ethics Bureau
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501

Approved by:

8-23-10
Date


Mary Rose CdeBaca, Ed.D.
Assistant Secretary
Educator Quality Division

BEFORE THE NEW MEXICO SECRETARY OF EDUCATION

PUBLIC EDUCATION DEPARTMENT,)

Petitioner)

Licensure File No. 265-923

vs.)

GARY F GREGOR,)Respondent)

DECISION AND ORDER

This **DECISION AND ORDER** of the Secretary of Education ("Secretary") of the New Mexico Public Education Department ("NMPED") is issued pursuant to NMSA 1978, Sections 9-24-8; 22-2-2(K); 22-10A-31; 61-1-1 to 61-1-31 ("Uniform Licensing Act"); rule 6.68.2 NMAC ("Denial of Applications for Licenses for School Personnel"), and rule 6.60.9 NMAC ("Code of Ethical Responsibility of the Education Profession"), to implement the "Hearing Officer's Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order" of April 3, 2011. (Attachment A)

Having familiarized myself with the record, including the hearing officer's report, the entire 942 page transcript of the hearing together with all exhibits contained therein, Licensee's "Proposed Findings/Requested Conclusions of Law," and "Petitioner's Proposed Findings of Fact and Conclusions of Law," and being otherwise fully advised in this matter, I, the Secretary, hereby adopt as my own all of the referenced "Hearing Officer's Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order," which adopts and incorporates by reference most but not all of "Petitioner's Proposed Findings of Fact and Conclusions of Law," (Attachment B), and incorporate

both as though fully set forth herein. I concur with the Hearing Officer in those portions of Petitioner's proposed rulings that were rejected.

I, the Secretary, hereby make the following additional findings of fact and conclusions of law as follows:

ADDITIONAL FINDINGS OF FACT:

1. There was substantial, undisputed evidence in the record that Gary F. Gregor ("Licensee") engaged in inappropriate behavior involving minor girls while employed as a fourth grade teacher holding educator licenses issued by the Public Education Department. Consider the following¹:

- a) One female student testified that Licensee said, "I love you." to her. [TR 167, lines 4-14]
- b) The girl Licensee had stated his love to also said that he gave her a cell phone and then would call her every day. [TR 128, lines 2-25; TR 129]
- c) The same girl testified that Licensee tried to get her into a closet in the classroom to kiss her. [TR 115-116]
- d) The same girl testified that Licensee told her not to tell anyone "or else". [TR 119, lines 5-25]
- e) The same girl testified that Licensee invited her to his house for dinner and to stay over and that prior to her going to his house he called her and asked her what she would wear. [TR 129-134]
- f) The same girl testified that he touched other girls and that he put his hand

¹ In this Decision & Order, "TR" will refer to the Transcript and "lines" will refer to the lines numbered in the transcript.

inside her pants. [TR 114; TR 121-122]

- g) The same girl testified that Licensee gave her a 1 to 1½ foot tall new Teddy bear and two to three art sets. [TR 124-126]
- h) The same girl testified that Licensee would sit with students in the cafeteria during lunch and eat his lunch with them. [TR 132]
- i) A second girl testified that once when he kept her in class during recess, Licensee whispered in her ear and in so doing either licked her ear or kissed it. [TR 216, lines 4-17]
- j) The second girl testified that Licensee invited her to his house for dinner and to sleep over. [TR 233, lines 6-20]
- k) The second girl testified that Licensee gave her gifts of a Teddy bear and some pens with his name on them. [TR 238, lines 2-23]
- l) Angela Dawson, Assistant Human Resources Director, of Santa Fe Public Schools, testified that her investigation into complaints of inappropriate behavior by Licensee involving girls revealed that he had formed a basketball team of only girls and that they would play during recess during which time Licensee would push his body against the girls. [TR 279- 280]
- m) Angela Dawson testified that her investigation revealed that one girl she interviewed told her that Licensee had hugged her and that she did not know why. [TR 305, lines 6-13]
- n) Angela Dawson testified that she thought that Licensee had boundary issues involving girls in that he allowed them to sit on his lap and touched them in a certain fashion. [TR 340-341]

- o) Jennifer Chavez, an Educational Assistant at the same school in Española Public Schools where Licensee worked, testified that she saw him at lunch each day sitting between two girls and that his hands were under the table. [TR 420]
- p) Fidel Trujillo, Assistant Superintendent for Operations at Española Public Schools, testified that when he was investigating allegations against Licensee, Licensee told him about giving students gifts but omitted any mention of giving Teddy bears [TR 502]; that licensee confirmed that the student he had given the cell phone to was a student he invited to his house [TR 515]; that Licensee confirmed that he sat with his students at lunch but only to get to know them [TR 517-518]; that Licensee said he did not telephone students even though a student told him he called her between 10 to 20 times per night [TR 519].
- q) A third student testified that Licensee gave her numerous gifts including bears, a 2 foot-wide pink pillow book with Cinderella on it, candies and gum, a pencil box and crayons. [TR 549-550]
- r) The third student testified that one of the bears Licensee gave her had the words, "I love you" on it. [TR 52]
- s) The third student testified that Licensee would touch her legs, private parts and kiss her cheek and that he threatened her if she told. [TR 561-564]
- t) The third student testified that Licensee would pretend to want to whisper something in her ear then he would kiss her. [TR 569, lines 11-21]
- u) The third student testified that Licensee invited her to his house twice to

sleep over but she declined. [TR 571-572]

- v) The third student testified that she was afraid to tell her mother because Licensee had threatened her. [TR 580]
- w) The third student testified that Licensee only held girls' hands. [TR 582]
- x) The third student testified that the students thought Licensee was cool because he gave them presents, although the boys only got candies. [TR 610-611]
- y) Ruby Montoya, principal at the school where Licensee worked and a person who with her husband socialized with Licensee and appeared somewhat favorable toward Licensee, testified that she had investigated an incident involving Licensee in which it had been alleged Licensee touched a girl's breasts while separating two girls who were fighting. [TR 814-816]
- z) Ruby Montoya testified that she received one complaint about Licensee always sitting on the side of the table with the girls and told him not to do that. [TR 823, line 25]
- aa) Ruby Montoya testified that she knew Licensee was holding girls' hands while walking to and from the cafeteria and that she told him to stop that. [TR 866]
- bb) Ruby Montoya testified that she agreed that having children at a teacher's house was not typical and that a teacher should not have students over. [TR 877 & 892]
- cc) Jimmy Montoya, a teacher and the husband of Ruby Montoya who was

called to testify by Licensee and generally spoke favorably of Licensee, testified that he agreed that it was inappropriate to give a student a cell phone or to have his students sleep over. [TR 930]

dd) In July 2004, an administrator at Santa Fe Public Schools issued an investigative report which summarized and substantiated a complaint against Licensee of inappropriate contact with female fourth grade students both in and out of the classroom. [EX 8]

ee) After Santa Fe Public Schools issued a Notice of Discharge to Licensee, Licensee signed an agreement in which he resigned in lieu of going through an employment discharge proceeding. [EXs 12 and 14]

ff) In May 2005, the Public Education Department issued a 3-page reprimand to Licensee for, among other things, having fourth grade girls frequently sit on his lap at which time he would hug them, put his arm around their waists and tickle them on their stomach or arm. [EX 7]

gg) The record contained numerous diagrams from children indicating the location where the inappropriate touching had occurred and where on their body they had been inappropriately touched by Licensee. [EXs 15, 16, 17, 22, 23, 24, 25, 28, and 29]

2. Licensee through counsel appeared to state to the Hearing Officer that Licensee was going to present his side of the story during the hearing ("But they haven't heard my client's side yet."). However, as Petitioner pointed out in its proposed findings of fact #83, "Respondent did not testify at the hearing..." [TR 400, lines 1-2]; [Attachment B].

3. During a lengthy objection by Licensee which he based on state and federal constitutional theories when Petitioner requested leave from the Hearing Officer to amend the Notice of Contemplated Action to change the year when the alleged misconduct occurred from the 2008-2009 school year to the 2007-2008 school year, Petitioner included mention that Licensee had received his licenses from the Public Education Department but was asked to return them which he did. It is apparent from the record that Licensee's disputed licenses were issued to him by mistake as clearly explained in an October 2010 letter to Licensee's counsel which was introduced into evidence by stipulation of the parties and without further objection by Licensee. [TR 7-11]; [EX 21].

ADDITIONAL CONCLUSIONS OF LAW:

1. Sections 22-2-2(K), 22-10A-31 and 61-1-3, NMSA 1978 permit me to deny, suspend or revoke a license; or to censure or reprimand a license; or to impose restrictions or limitations on the scope of a practice; or to engage in corrective action.

2. The standard of proof applied in New Mexico in administrative proceedings is a preponderance of the evidence. *Foster v. Board of Dentistry*, 103 N.M. 776, 778 (S.Ct. 1986); §§6.68.2.15 and 6.68.2.17 NMAC (2010).

3. For the purposes of reviewing an agency disciplinary decision made under the Uniform Licensing Act, a reviewing district court must defer to the agency's factual determinations if supported by substantial evidence. *New Mexico State Board of Psychologist Examiners v. Land*, 2003-NMCA-034, ¶ 5, 133 N.M. 362, 364, 62 P.3d 1244.

4. Substantial evidence is evidence that a reasonable mind would regard as adequate to support the conclusion. *In the Matter of the Termination of Douglas Larsen*, *Id.* at ¶ 20, relying on, *In re Termination of Kibbe*, 2000-NMSC-006, 15, 128 N.M. 629, 996 P.2d 419.

5. The NMPED has made out a prima facie case consisting of documentary evidence, testimony of an employee from the NMPED, and testimony from numerous witnesses that Licensee committed the acts charged in the NCA.

6. The NMPED has established by a preponderance of the evidence that Licensee engaged in conduct that would support denial of renewal of his licenses in that Licensee sexually harassed female students, Licensee created an intimidating school environment, licensee gave inappropriate gifts to mostly female students, Licensee gave at least one of his female students a cell phone and then proceeded to call her numerous times at her home, Licensee inappropriately touched female students, Licensee inappropriately conveyed the message with his words and through at least one Teddy bear that he loved certain of his female students, Licensee engaged in unprofessional and improper behavior, and Licensee engaged in immoral conduct with students.

7. Because all statutory and regulatory timelines and procedures in connection with a hearing on proposed adverse licensure action have been followed, Licensee received all the due process to which he was entitled.

8. I sustain the Hearing Officer's ruling of permitting the introduction into evidence over Licensee's objection Exhibit 27, a May 13, 2010 transcript of an interview conducted by Assistant Superintendent Fidel Trujillo of Licensee, because:

- a) Although the testimony establishes that the Petitioner did not possess the document in question before the instant hearing and did not list it as an exhibit it intended to use, Licensee could have obtained the document had he engaged in discovery which the record indicates he did not do. [TR 504, 505, 536]; [EX 2, page 8]; Sec, Uniform Licensing Act (“ULA”), §61-1-8, NMSA 1978; see also, 6.68.2.13(E) NMAC (“Discovery”).
- b) Section 61-1-11, NMSA 1978 of the ULA makes it clear that the formal rules of evidence do not apply but that fact finders are guided by reason and have discretion in what evidence they may receive.
- c) The May 2010 transcript contains admissions made by Licensee at a time when he was represented by a member of his union, the NEA. See, Rules of Evidence 11-801(D)(2).

9. For the reasons stated in “Hearing Officer’s Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order” and also because settlement agreements with public bodies are public records and are not protected by the attorney-client privilege, I sustain the Hearing Officer’s ruling of permitting the introduction into evidence over Licensee’s objection Exhibit 14, which was Licensee’s 2004 agreement with Santa Fe Public Schools to resign his employment and withdraw his request for a hearing on his proposed discharge. See, *Board of Commissioners of Doña Ana County v. Las Cruces Sun-News*, 2003-NMCA-102, ¶¶24 & 25, 134 N.M. 283, 76 P.3d 36 (Settlement agreements entered into with a public body are outside the attorney-client privilege and are public records); and see also, 22-10A-5(F) NMSA 1978 (“No agreement between a departing licensed school employee and the local school board,

school district, charter school or regional education cooperative shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, *and any such agreement to the contrary is void.*") (emphasis added).

10. Part of Licensee's strategy in disparaging the credibility of the minor girls' testimony when they testified of their fear of Licensee was asking various witnesses if the minor girls had called the police, why they had not called the police, why they had not complained to the principal or to the school counselor, why some said that Licensee was an admired teacher, what was wrong with their accepting gifts from Licensee since boys got them too, and why they agreed to go to Licensee's house for dinner and a sleepover if he was in fact touching them. It should be noted that "...many courts have also considered the likelihood that children react to and relate traumatic events somewhat differently than adults." See, *In Re Troy*, P., 114 N.M. 525, 530 (Ct. App. 19992); and compare, *State v. Gardner*, 2003-NMCA-107. *Gardner* involved four high school students who testified that their Hobbs, New Mexico assistant principal had on various occasions while at school touched their breasts and/or buttocks and had done so in situations where each was alone with the perpetrator such that it was their word against his. Just as in the present case, there were no witnesses but the girls themselves. The girls in *Gardner* were reluctant to tell anyone. One victim "...stated that she did not tell anyone about the incident at the time because she thought that no one would believe her." *Gardner* at ¶35. Another victim testified, "She did not tell anyone because everyone loved Defendant and she feared she would not be believed." *Gardner* at ¶37. Another victim "...testified that she did not tell anyone because she knew it happened to others and they did not tell." *Gardner* at ¶37. Mr. Gardner was convicted of criminal sexual

contact of a minor in the third degree and went to prison. Compare to the current case in which one girl testified, “He said not to tell anybody or else, just like that.” [TR 119, lines 17-18]; another girl testified, “Well, because I was scared, like—he threatened me, saying that if I tell anyone about this, that he is going to do something to me...But he never told me what he was going to do...And I was scared since then, so I didn’t tell no one, only my friends.” [TR 564, lines 5-12] There was no expert testimony at the administrative hearing that established a “textbook way” for a female minor to react to inappropriate touching by Licensee, a teacher, who had created a trusting climate of providing gifts of endearment, hugs and other signs of affection to select fourth grade girls—his students.

11. As adopted by the Hearing Officer, Petitioner’s requested conclusion of law #14 correctly concluded that Licensee’s behavior in part involved sexual misconduct² with a minor student while he was in a position of authority and able to exercise undue influence over a minor. [Attachment B, ¶14] “A person in a ‘position of authority’ is defined under New Mexico law as “that position occupied by a parent, relative, household member, *teacher*, employer or other person *who, by reason of that position, is able to exercise undue influence over a child.*” *State v. Haskins*, 2008-NMCA-086, ¶9, 144 N.M. 287, 186 P.3d 916, (upholding conviction of a massage therapist for eight counts of criminal sexual contact of a minor by use of coercion by a person in a position of authority, contrary to NMSA 1978, § 30-9-10(F)) (emphasis added), relying on, *State v. Gardner*, *id.* at ¶ 38 (holding that assistant principal used position of authority “to gain the trust of the victims, to obtain the opportunity to touch the victims, and to cause them

² It should be noted that in 2007, the Legislature added the definition of “ethical misconduct” to the School Personnel Act. See, NMSA 1978, § 22-10A-5(A) (“*ethical misconduct* means unacceptable behavior or conduct engaged in by a licensed school employee and includes *inappropriate touching*, sexual harassment, discrimination and *behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.*”) (emphasis added); see Laws of 2007, ch. 263, § 1.

to submit to his unlawful touching”); *State v. Segura*, 2002-NMCA-044, ¶¶ 16-17 (holding that, but for faulty jury instruction, uncle’s conviction for criminal sexual contact with a minor by person in position of authority would have been upheld); *State v. Corbin*, 111 N.M. 707, 710, 809 P.2d 57, 60 (Ct. App. 1991) (holding that employer controlled the victim’s will, at least in part, by using his position as the victim’s employer); *State v. Gillette*, 102 N.M. 695, 702, 699 P.2d 626, 633 (Ct. App. 1985) (holding that live-in babysitter was in position of authority over child).

12. For reasons contained in said portions I have incorporated of both “Hearing Officer’s Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order” of April 3, 2011 and “Petitioner’s Proposed Findings of Fact and Conclusions of Law,” most of which the Hearing Officer adopted and incorporated by reference, and pursuant to my complete record review and my own findings and conclusions, I hereby DECIDE and ORDER—that good and just cause have been established by a preponderance of the evidence to deny issuance of licenses to Gary F. Gregor.

NOW THEREFORE effective as of the date of this **DECISION AND ORDER**, Gary F. Gregor’s application for renewal of his Level II, Elementary K-8 and Special Education K-12 licenses, is **HEREBY DENIED**.

Additionally:

1. The Educator Ethics Bureau (EEB) may, pursuant to Section 17(F) of 6.68.2 NMAC (2010), report the denial to the National Association of State Directors of Teacher Education and Certification.

2. Licensee shall be responsible for paying to the NMPED all costs of the disciplinary proceeding as permitted by NMSA 1978, Section 61-1-4(G), provided that:

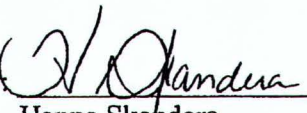
(a) The Director of the EEB, or his attorney, within 10 days of issuance of this Decision and Order, submits an affidavit of allowable itemized costs incurred, together with copies of supporting documentation verifying that the costs were incurred;

(b) Licensee may, within 10 days of receipt of the affidavit of costs, file an affidavit or other document in opposition of assessment of costs.

3. I shall retain jurisdiction over this matter until no later than June 29, 2011, at which time I will issue an Amended Decision and Order only on the issue of what costs if any will be awarded.

RIGHT OF APPEAL

This is a final decision and order of the Secretary of Education, which pursuant to Sections 39-3-1.1, 22-10A-31 and 61-1-17 of the New Mexico Statutes Annotated 1978, you may appeal by filing a timely Notice of Appeal in the appropriate district court. Any such district court appeal must be filed within 30 days of the filing of this decision and order with the New Mexico Public Education Department. The decision and order will be filed on the date of my signature below.

By: 
Hanna Skandera
Secretary of Education

Dated: 5.31.11

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Decision and Order together with Attachment A and Attachment B, was served upon the following, this 31st day of May, 2011 as follows:

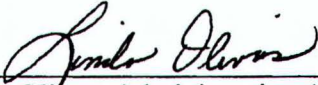
(by first class U.S. mail & email)
Gilbert J. Vigil, Esq.
507 Roma Ave, NW
Albuquerque, NM 87102

(by first class U.S. mail & email)
Patricia Bustamante, Esq.
688 Callecita Jicarilla
Santa Fe, NM 87505

(copy hand-delivered on May 31, 2011)

Bruce M. Berlin,
Assistant General Counsel
Attorney for Public Education
Department
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786


Paul Calderon, Director
Educator Ethics Bureau
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786



Linda Olivas, Administrative Assistant
Public Education Department

CONFIDENTIAL

**Mountain View Elementary School
Mr. Felix Gonzales, Principal
P.O. Box 39, Cordova, N.M. 87523**



"Memorandum"

To: Mr. Wilfred Martinez
Mrs. Corine Salazar

Fr: Felix Gonzales *Felix Gonzales*

Re: Gary Gregor

Date: February 16, 2005

An incident concerning **Mr. Gregor** and a third grade student was reported to me February 15, 2005.

Report from an instructor at Mountain View told me that Mr. Gregor was getting too friendly with a third grader.

- 1) student sitting on his lap.
- 2) student stroking his cheek.
- 3) Mr. Gregor seeking student to be near him.

I inquired from the staff member where she heard this and she states that four girls from fifth/sixth grade had observed this from Mr. Gregor.

Student from fifth/sixth grade came in to my office and reported this incident/incidents to me.

I informed Mr. Wilfred Martinez and Mrs.. Corine Salazar about their allegations and I received permission from them to place Mr. Gregor on paid Administrative leave immediately and report this incident to Child Protective Services.

Mrs. Monks our counselor came to Mountain View and she talked to the girls involved in reporting the incident. Mrs. Monks and myself agreed that an investigation on the allegations had to take place.

Child Protective Services were contacted on advise from our school attorney.

CONFIDENTIAL

Feb. 18, 2005

To Whom It May Concern:

This statement relates to the concerns with Mr. Gregory, a teacher at Mountain View Elementary School. On Tuesday, February 15, 2005, it came to Mr. Gonzalez, the school principal's, attention that a student had been sitting on the lap of her teacher, Mr. Gregory. The principal asked me, the school counselor to come up to hear the statements of the students expressing concern.

I met individually with four of the sixth grade girls who had expressed concern. Their statements regarding the teacher and the student were very similar. Each girl stated that they had either been present to see the student sit on the teacher's lap or their younger sibling had told them that a student had been sitting on the teacher's lap. Each of the four girls stated that just one student had been sitting on the teacher's lap. They stated that the teacher asked her to get down, but she did not. Several of the girls stated that he sent the student to another classroom. They assumed that he sent her to another classroom for time-out because she wouldn't do as he had asked (not sit on him or touch him). The girls stated that they were afraid the teacher would get in trouble over the girl's behavior. They also stated that they were worried that "something" could happen. All of the older girls felt uncomfortable over the behavior that they observed.

Mr. Gonzalez told me that he asked the teacher to go home until the situation could be investigated. He also told me to report the incident to CYFD due to the student's unusual behavior, which I did.

The following morning, Feb. 16, 2005, Mr. Gonzalez and I met with the student's mother to explain the concerns. The mother understood our concern. She explained that her daughter is very affectionate. I explained that Mr. Gonzalez had me report the incident to CYFD because of the behavior of her daughter. We explained that this was in the interest of keeping her daughter safe. CYFD did not seem to feel this was abuse or neglect but they understood the need to report due to suspicious behavior.

On Feb. 17, 2005, I met with the student in order to assess her anxiety level. Other students had told their teachers that she had been being accused of being inappropriate. She explained that her mother had spoken to her about the concern. She seemed relaxed, but wanted me to know she had not sat on the teacher's lap. I did not challenge this statement.

I trust that the above information will help in investigating the matter.

Sincerely,


Cheryl Monks, Mountain View Elementary School Counselor

CONFIDENTIAL

The mother of the child was called and a meeting was held at 7:30 a.m. on February 16, 2005. She was informed about her child and teacher about this incident. Mrs. Monks and myself held the meeting with the child's mother.

Counselor @ EST/Fairview 1982-2009

Theresa Naranjo

Po Box 1422

Espanola, NM 87532

1-505-753-7897

1-505-747-6454

APPLICANT		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK		FBI		LEAVE BLANK	
		LAST NAME <u>NAM</u>		FIRST NAME		MIDDLE NAME			
SIGNATURE OF PERSON FINGERPRINTED <i>Gary Gregor</i>		ALIASES <u>AKA</u>		OR NM930027Z ESPANOLA MUNI SCHLS ESPANOLA, NM		DATE OF BIRTH DOB [REDACTED] Year <u>56</u>			
RESIDENCE OF PERSON FINGERPRINTED <u>1299 Vegas Verde #44</u> <u>Santa Fe, NM 87507</u>		CITIZENSHIP <u>CTZ</u> <u>USA</u>		SEX <u>M</u> RACE <u>W</u> HGT <u>6'</u> WGT <u>185</u> EYES <u>brown</u> HAIR <u>brown</u>		PLACE OF BIRTH FOR <u>San Bern Co CA</u>			
DATE <u>1/9/05</u> SIGNATURE OF OFFICIAL TAKING FINGERPRINTS <i>Wilfred Romero</i>		YOUR NO. <u>OCA</u>		FBI NO. <u>FB</u>		ARMED FORCES NO. <u>MNU</u>		SOCIAL SECURITY NO. <u>SOC</u> <u>[REDACTED]</u> <u>9393</u> <u>MNU</u>	
EMPLOYER AND ADDRESS ESPANOLA PUBLIC SCHOOLS 714 DON DIEGO STREET ESPANOLA, NEW MEXICO 87532		REASON FINGERPRINTED EDUCATION EMPLOYMENT 22 10 3 3 NMSA 1978 (A)		LEAVE BLANK		CLASS		REF.	

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE	
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		LEFT THUMB	LEFT RING	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY	

 P.O. BOX 1907 CLOVIS, NEW MEXICO 88102-1907 PAYABLE THROUGH NEW MEXICO BANK & TRUST CLOVIS, NEW MEXICO 88101		MONEY ORDER 95-674/1-	
PAY TO THE ORDER OF <i>Dept. of Safety</i>		40134430	
DATE <u>JAN. 26, 2005</u>		NOT VALID FOR OVER THREE HUNDRED U.S. DOLLARS	
PURCHASER'S NAME & ADDRESS <i>GARY GREGOR 1299 Vegas Verde Santa Fe, NM</i>		AUTHORIZED SIGNATURE <i>[Signature]</i>	
\$ * 31 dols 00 - 56 Thirty One AND 00/100 U.S. Dollars		Allsup's #31	
THIS MONEY ORDER MUST BEAR STORE NO. AND AUTHORIZED SIGNATURE			

1070067457840134430

SUPERINTENDENT

Dr. David L. Cockerham

Email:

david.cockerham@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Española, New Mexico 87532

505-753-2254

Fax 505-747-3514

★ **Española** ★

PUBLIC SCHOOL DISTRICT #55



Reaching for Excellence

BOARD OF EDUCATION

Mr. Leonard J. Valerio, President

Ms. Joann V. Salazar, Vice President

Mr. Andrew J. Chávez, Secretary

Mr. Floyd E. Archuleta, Member

Mr. José I. "Coco" Archuleta, Member

May 15, 2009

Gary Gregor

Eutimo T. Salazar Elementary

ESPAÑOLA PUBLIC SCHOOL DISTRICT #55

CONFIDENTIAL

RE: Administrative Leave

Dear Mr. Gregor,

You are hereby placed on Administrative Leave with pay effective May 15, 2009. The reason for this action is based on the following:

The Administrative Leave is pending an investigation into the alleged inappropriate behavior toward students. The Administrative Leave will be in effect until an investigation is completed and a determination rendered. You will be notified as to the time and date of your return to work or of any other determination.

You must leave your keys with Mrs. Montoya.

While on administrative leave you are not to be on campus at Eutimo T. Salazar Elementary School or any other campus without prior approval from the Superintendent.

Sincerely,

David Cockerham, Superintendent

Cc: File

Dorothy Sanchez, Associate Superintendent

Ruby Montoya, Principal

**CITY OF ESPAÑOLA
POLICE DEPARTMENT**

**BRYAN L. MARTINEZ
DETECTIVE**

1316 C Calle Adelante
Española, New Mexico 87532
Phone: (505) 747-6003
E-mail: blmartinez@coepd-nm.us
SECRETARY: (505) 747-6010
Fax: (505) 747-6059

**OLA
OF PUBLIC**

SAFETY

**ESPANOLA POLICE
DEPARTMENT**

**Julian Gonzales
Public Safety Director**
1316C Calle Adelante
Española, NM 87532
Phone: 505-747-6002
Fax: 505-747-6059

To: Dr. David Cockerham

From: Detective Bryan L. Martinez 

Thru: Chief Julian Gonzales

Subject: Release of personnel information / student information

RECEIVED

MAY 14 2009

Department of School
Española Public Schools

Sir, I am writing this memorandum as requested by the Associate Superintendant Ms. Sanchez. Ms. Sanchez conferred with the Human Resource Office and they requested a memorandum on letterhead requesting the personnel information on Dr. Greg Gregor. Dr. Gregor has recently become a target in an ongoing investigation in which allegations of inappropriate behavior towards some of his past students as well as current students while employed with the Espanola School District.

I am also requesting student information on the following students due to them being identified as possible victims of the aforementioned activity by Dr. Gregor. The students named in this memorandum shall remain confidential as well as this investigation until such time that this office brings it forthwith. The students identified are as follows:

Nayede Hernandez 5th grader

Cathleen Salazar 5th grader

Virginia last name unknown 5th grader

Sustrita last name unknown 5th grader

cc: Dorothy S.
Lucia S.

- name
- DOB
- Years worked
- Where he worked
- SS#
- Address
- contact #'s

SUPERINTENDENT

Dr. David L. Cockerham

Email:

david.cockerham@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Española, New Mexico 87532

505-753-2254

Fax 505-747-3514

★ Española ★

PUBLIC SCHOOL DISTRICT #55



Reaching for Excellence

BOARD OF EDUCATION

Mr. Leonard J. Valerio, President

Ms. Joann V. Salazar, Vice President

Mr. Andrew J. Chávez, Secretary

Mr. Floyd E. Archuleta, Member

Mr. Jose I. "Coco" Archuleta, Member

May 15, 2009

Detective Bryan L. Martinez
1316 C Calle Adelante
Española, NM 87532

Dear Detective Martinez,

Below is the information you requested:

NAME	Mr. Gary F. Gregor
DOB	June 16, 1956
SS#	516-64-9393
ADDRESS	PO Box 388, Española NM 87532
TELEPHONE	505-316-0555
DATE OF HIRE	January 10, 2005

In district experience:

January 10, 2005 to May 26, 2006 @ Mountain View Elementary

August 9, 2006 to Present @ Eutimo T. Salazar Elementary (Fairview)

Out of district experience:

March 13, 1998 to May 13, 2004 @ Santa Fe Public Schools

August 1986 to May 1998 @ Hays/Lodge Pole School District in Hayes, MT

June 5, 1985 to November 30, 1994 @ Davis County Schools in Farmington, UT

If you require further information, please call me at 367-3337.

Sincerely,

Lucia Sedillo, HR Officer

Cc: File



NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
- OFFICE OF GENERAL COUNSEL -

FACSIMILE TRANSMITTAL SHEET

TO	FROM
Dr. Fidel Trujillo	Kara Herrmann
COMPANY-AGENCY:	DATE:
	DECEMBER 2, 2010
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
505.	4
FAX NUMBER: 6484	SENDER'S FAX NUMBER:
505.753-4884	505.827-6681
RE:	
PED v. Gregor, file no. 265-923	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Dear Dr. Trujillo,
Please see the attached letter and new Subpoena.

Thanks!
Kara

Confidentiality Notice: This facsimile, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at the number above and destroy all copies of this message.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT
OFFICE OF GENERAL COUNSEL
300 DON GASPAR, RM 209
SANTA FE, NM 87501-2788
PH: 505.827.6641 FX: 505.827.6681



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-6600
www.ped.state.nm.us

DR. VERONICA C. GARCIA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

December 1, 2010

Dr. Fidel Trujillo
714 Calle Don Diego
Española, NM 87532

Re: Subpoena in PED v. Gary Gregor, Lic. no. 265-923

Dear Dr. Trujillo:

The hearing in the licensure revocation case against Gary Gregor has been set for December 16, 2010. Attached is a Subpoena for you to appear and testify on that day. Please sign, date and have witnessed the Acceptance of Service and return it to me by fax with a coversheet to (505) 827-6681. Keep the Subpoena itself for your records.

If you have any questions, you may reach me at (505) 827-6389.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara M. Herrmann".

Kara M. Herrmann, Paralegal

Encl. - 2

BEFORE THE NEW MEXICO PUBLIC EDUCATION DEPARTMENT

IN THE MATTER OF GARY GREGOR

} Licensure File No: 265-923
}
}
}
}
}
}
}
}**SUBPOENA**

TO: Dr. Fidel Trujillo, Assistant Superintendent
Espanola Public Schools
714 Calle Don Diego
Espanola, NM 87532

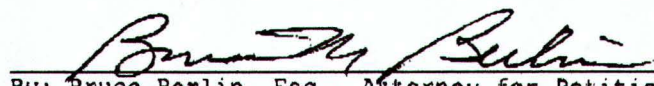
YOU ARE HEREBY COMMANDED TO APPEAR, as follows:

- ☐ **PLACE:** Board Conference Room, Espanola Public Schools District Administration Building, 714 Calle Don Diego, Espanola, NM 87532
- ☐ **DATE:** Thursday, December 16, 2010
- ☐ **Time:** 1:30 p.m.

To testify at a professional licensure revocation hearing before Hearing Officer, Patricia Bustamonte.

IF YOU DO NOT COMPLY WITH THIS SUBPOENA application may be made to the District Court for relief.

PATRICIA BUSTAMONTE, ESQ.

Dated: 12/2/10
By: Bruce Berlin, Esq., Attorney for Petitioner

This subpoena is issued pursuant to Rule 1-045(A)(3) NMRA by:

Bruce M. Berlin, Attorney for Petitioner
State Public Education Department
Professional Licensure Bureau
Education Building, Rm 209
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-6600

1. *A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.*
2. *A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.*
3. *If a person's attendance is commanded one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts.*

ACCEPTANCE OF SERVICE OF SUBPOENA

I, Dr. Fidel Trujillo, do hereby accept service of
this subpoena.

WITNESSETH:

Dr. Fidel Trujillo

Witness over 18

Dated: _____

Return to:

Bruce M. Berlin, Attorney for Petitioner
State Public Education Department
Professional Licensure Bureau
Education Building, Rm 209
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-6600

- Gary Gregor -

Per Sec 2nd Call

~~Harriet Walsky~~ - advocate

Andrew Kelle in Rv

753-7151

Arriba

August 3rd

Lara Siderman

Open Case

Grand Jury Proceeding

- Ramon Vigil -

Bryan C

Det. MTZ

747-6003

Lara Siderman Santa R PA

Det. P. M. Artime

~~State Police~~
~~783~~

827-5000

11th

Det. P.

I go in 4th Grade

No.

Adel to Zareban

8:30 - 1:00

El harrir

Porto for dose.

Even on Juan Martin

Babysitter

Stopped contact completely

Dad. mfg.

Put girls

prostitution - asking girls if he could kiss them
rub finger along wrist line & put

Bought some girls all phones

didn't do anything.

preponderance of evidence -
what are you going to see,
what do you want me to see.

Wife - here on a marriage visa
mail order bride.

Bought all
phones
for
Eve

had one girl sleep over

girl wearing skirt

Kathleen Salzman came forward / her dad.
dad - but was at the order agency st.

- D.A. willing to depose & make copies

Inappropriate

As an officer

- Wouldn't employ him as a teacher in district
as a parent would pull my kid from his class

Kathlyn Salazar

— daughter was a student of his

Incidents occurred

she was his student about 2 years ago
(4th Grade)

became aware of the situation.

daughter was friends w/ the FIB

In conversation she

School-related stuff, markers

literally w/ homework.

during class, he could make them feel
uncomfortable, Teaching.

Invitations for sleep overs.

Some other friends did

Heard about students sleeping over.

Handy Andy

4B grade

daughter is James Madison
Chilguit
had a year for science

OK for older man & young
younger kids & I
have more time in order

That & for in women religion
/ curriculum

Saw him every day between
two girls, had who she liked.

daughter "Stinger"
could not be given to sit
by him.

as you see

Current age would be only
opportunity to sit with him

Gifts
"Sybil - Old player"
"Heal about sleepovers"

Heal hands
for
Lunch

5/13 Bernadette Jive

Touch inside parts; waist line

Enrik them to spend night

how he should wear.

Kids actually spent the night.

All camp out in the livingroom
w/ rifle (He stayed in the room)

"Funny money" multiply money
Soda's

Funny money; extra reinforcement

Books; art/crafts
he bought her a cell phone
so they could keep in contact.

Didn't click.

Had her on his family plan
used to call each other a lot.
had phone about 6 months
because she wasn't calling him
said like phone was lost, so he needed it.
didn't want to use skirts.

5/12/12

3 students

- Nazeer Ahmadly →
- Virginia Sostak
- Kathryn Selzer

4:20

Det. ~~Christien Lopez~~ Dryden mfg.

Anne Loya student; mother Danielle Loya
2008-09 school

Complaint 4 years ago
by name of (looked for FACT)
had a girl by his side.
Investigation by Lynn Muehls
President of class.
Fornication

Parents / Students over for dinner

watched in SE → Tutor for Tyler learning
Grand for St. John's college.

3 girls

slugs out on concrete of girls
slugs played with his class

* ~~Angela~~ Henry

~~Angelica~~

~~Virginia Smith~~

Anna Loya - Anabelle B. Mangum - 929-9007

* ~~Kathleen~~

Jasmine Gonzales (a few years ago)
(5th Grade)
Ms. Decon

Wilfredo Aguirre

Mt. View 351-4480

2007 Transferred

Comparable
Market Study
Justification.

s/o Veronica Dean

Keep certain students in for lunch

Giving out personal to
not just girls.

Used to teach in mt. View > (Mrs Aguilar)

"Angele Toraco"

Product "Here - girl on his
leg."



NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
- OFFICE OF GENERAL COUNSEL -

FACSIMILE TRANSMITTAL SHEET

TO	FROM
Jennifer Chavez	Kara Herrmann
COMPANY-AGENCY:	DATE:
	DECEMBER 2, 2010
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
505.	4
FAX NUMBER:	SENDER'S FAX NUMBER:
505.753-6484	505.827-6681
RE:	
PED v. Gregor, file no. 265-923	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Dear Ms. Chavez,
Please see the attached letter and new Subpoena.

Thanks!
Kara

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NEW MEXICO PUBLIC EDUCATION DEPARTMENT
"OFFICE OF GENERAL COUNSEL"
300 DON GASPAR, RM 209
SANTA FE, NM 87501-2786
PH: 505.827.6641 FX: 505.827.6681



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

DR. SUSANNA M. MURPHY
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

December 2, 2010

Ms. Jennifer Chavez
714 Calle Don Diego
Española, NM 87532

Re: Subpoena in PED v. Gary Gregor, Lic. no. 265-923

Dear Ms. Chavez:

The hearing in the licensure revocation case against Gary Gregor has been set for December 16, 2010. I am enclosing a Subpoena for you to appear and testify on that day. Please sign, date and have witnessed the Acceptance of Service and return it to me by mail or you may also fax with a coversheet to (505) 827-6681. Keep the Subpoena itself for your records.

If you have any questions, you may reach me at (505) 827-6389.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara".

Kara M. Herrmann, Paralegal

Encl. - 2

BEFORE THE NEW MEXICO PUBLIC EDUCATION DEPARTMENT

IN THE MATTER OF GARY GREGOR

) Licensure File No: 265-923
)
)
)
)
)
)
)
)
)
)**SUBPOENA**

TO: Ms. Jennifer Chavez
714 Calle Don Diego
Espanola, NM 87532

YOU ARE HEREBY COMMANDED TO APPEAR, as follows:

- ☐ **PLACE:** Board Conference Room, Espanola Public Schools District Administration Building, 714 Calle Don Diego, Espanola, NM 87532
- ☐ **DATE:** Thursday, December 16, 2010
- ☐ **Time:** 1:00 p.m.

To testify at a professional licensure revocation hearing before Hearing Officer, Patricia Bustamonte.

IF YOU DO NOT COMPLY WITH THIS SUBPOENA application may be made to the District Court for relief.

PATRICIA BUSTAMONTE, ESQ.

Dated: 12/2/10


By: Bruce Berlin, Esq., Attorney for Petitioner

This subpoena is issued pursuant to Rule 1-045(A)(3) NMRA by:

Bruce M. Berlin, Attorney for Petitioner
State Public Education Department
Professional Licensure Bureau
Education Building, Rm 209
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-6600

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ACCEPTANCE OF SERVICE OF SUBPOENA

I, Jennifer Chavez, do hereby accept service of this
subpoena.

WITNESSETH:

Jennifer Chavez

Witness over 18

Dated: _____

Return to:

Bruce M. Berlin, Attorney for Petitioner
State Public Education Department
Professional Licensure Bureau
Education Building, Rm 209
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-6600

HP Fax K1220

Log for
OFFICE OF INSTRUCTION
505 7536484
Dec 02 2010 5:11pm

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Dec 2	5:09pm	Received	505 827 6681	1:33	4	OK



NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
- OFFICE OF GENERAL COUNSEL -

FACSIMILE TRANSMITTAL SHEET

TO	FROM
Dr. Trujillo	Kara Herrmann
COMPANY-AGENCY:	DATE
	NOVEMBER 29, 2010
PHONE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER
505.	4
FAX NUMBER: 4	SENDER'S FAX NUMBER
505.753-0684	505.827-6681
RE:	
PED v. Gregor	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Dear Dr. Trujillo:

Please see the attached letter, Subpoena and Acceptance of Subpoena. Please return the Acceptance of Subpoena to me by fax, (505) 827-6681.

Thank you!

Confidentiality Notice: This facsimile, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at the number above and destroy all copies of this message.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT
"OFFICE OF GENERAL COUNSEL"
300 DON GASPAR, RM 209
SANTA FE, NM 87501-2786
PH: 505.827.6641 FX: 505.827.6681

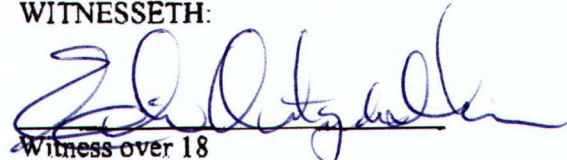
1. *A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.*
2. *A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.*
3. *If a person's attendance is commanded one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts.*

ACCEPTANCE OF SERVICE OF SUBPOENA

I, Dr. Fidel Trujillo, do hereby accept service of
this subpoena.


Dr. Fidel Trujillo

WITNESSETH:


Witness over 18

Dated: 11/29/10

Return to:

Bruce M. Berlin, Attorney for Petitioner
State Public Education Department
Professional Licensure Bureau
Education Building, Rm 209
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-6600



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-6600
www.ped.state.nm.us

DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

November 29, 2010

Dr. Fidel Trujillo
714 Calle Don Diego
Española, NM 87532

Re: Subpoena in PED v. Gary Gregor, Lic. no. 265-923

Dear Dr. Trujillo:

The hearing in the licensure revocation case against Gary Gregor has been set for December 1, 2010. Attached is a Subpoena for you to appear and testify on that day. Please sign, date and have witnessed the Acceptance of Service and return it to me by fax with a coversheet to (505) 827-6681. Keep the Subpoena itself for your records.

If you have any questions, you may reach me at (505) 827-6389.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara M. Herrmann".

Kara M. Herrmann, Paralegal

Encl. - 2

Fidel Trujillo

From: Fidel Trujillo
Sent: Friday, October 15, 2010 9:39 AM
To: 'Herrmann, Kara, PED'
Cc: Berlin, Bruce M., PED
Subject: RE: Parent contacts

Here is the information I have:

██████████ *3:00 p.m.
 PO Box 536
 Santa Cruz, NM 87567
 Mother: ██████████

I left a message for Ms. Rivas regarding your request to meet on November 4, 2010.

██████████ 4:00 p.m.
 154 Camino De Quintana
 Espanola, NM 87532
 Mother: ██████████

██████████ is no longer a student in the District. She attends Pojoaque Middle School. I spoke to Ms. Marquez a while ago and they will be available for an interview on November 4, 2010 at 4:00 p.m. at the Espanola Public Schools Administration Complex, 714 Calle Don Diego, Espanola, NM 87532. The mother requested that the interview not take place at the school site because the student is conscious about what occurred and nobody at her new school is aware of the circumstances. She stated that this was a primary consideration for transferring.

Principal Ruby Montoya is now at San Juan Elementary. She is available after 11:00 a.m. on November 4, 2010. Her cell phone number is 929-3228.

Do you have updated information for Kathlynn Salazar? The number I have on file (~~753-7448~~) is no longer in service.

Fidel J. Trujillo, Ph.D.
 Assistant Superintendent of Operations
 Espanola Public Schools
 505-367-3334 (office)
 505-753-4699 (fax)
 fidel.trujillo@k12espanola.org

✓
 Ana Roy 621

m. cloudy

753-7448

From: Herrmann, Kara, PED [mailto:Kara.Herrmann@state.nm.us]
Sent: Friday, October 15, 2010 9:03 AM
To: Fidel Trujillo
Cc: Berlin, Bruce M., PED
Subject: Parent contacts

Good morning Dr. Trujillo,

Can you please assist me in obtaining some current contact information for ██████████ mother of ██████████ and ██████████, mother of ██████████? The contact information I have is out of date.

Thanks!

10/15/2010

To Gary Tripp
 Croyle@sf.s.k12.
 nm.us.

Kara M. Herrmann
Paralegal
Office of General Counsel
New Mexico Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-6389
(505) 827-6681 fax

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State of New Mexico
Public Education Department
Educator Ethics Bureau
(505) 827-4523



*This form only for use by officials of
school districts, charter schools or
RECs when reporting ethical misconduct.*

ETHICAL MISCONDUCT REPORTING FORM

(22-10A-5, NMSA 1978)

Misconduct must be reported to PED within **30 days** of a licensed employee's departure *but only if an investigation resulted in a finding of wrongdoing.*

Name of Licensee: **Gary Gregor**

Licensure Number: **265923**

Date Licensee left: / /

Licensee's Last Known Address:

Street Address: PO Box 388

City: Espanola

State: NM

Zip: 87732

Phone # (Home): 505-316-0555

Phone # (Cell):

Mailing Address:
(enter only if different than street address)

Ethical Infraction(s) being reported: [check all infractions that apply]

- | | | | |
|--------------------------------------|-------------------------------------|----------------------------------|--------------------------|
| Inducing minor into an illegal act | <input type="checkbox"/> | Discriminatory act against minor | <input type="checkbox"/> |
| Inducing minor into an immoral act | <input type="checkbox"/> | Violence against a minor | <input type="checkbox"/> |
| Inducing minor into a prohibited act | <input type="checkbox"/> | Sex with a minor | <input type="checkbox"/> |
| Sexual harassment of a minor | <input type="checkbox"/> | Other | <input type="checkbox"/> |
| Inappropriate contact w/ a minor | <input checked="" type="checkbox"/> | | |

1. Summary of alleged ethical misconduct (who, what, when, where):

A summary of findings of the District internal investigation includes multiple accounts of:

1. **Inappropriate physical contact with students initiated by Dr. Gregor;**
2. **Inappropriate gift-giving to students by Dr. Gregor;**
3. **Inappropriate invitations by Dr. Gregor for students to go to his residence.**

Inappropriate Physical Contact

The female students I interviewed stated that as 4th graders, Dr. Gregor made them feel very uncomfortable by rubbing their legs and touching their waists underneath their clothes. He also attempted to touch them on their "private parts". Students indicated that he never actually did touch their private areas because they did not let him. Consistencies in student narratives included that the physical contact often occurred when Dr. Gregor would have female students sit next to him at his table as elected class officers. Dr. Gregor denied touching the students and stated that there was always another adult in the room in the form of the foster grandmother. The foster grandmother acknowledged that students often sat at the same table as Dr. Gregor, but that she never witnessed anything improper. The foster grandmother also said that she was only present in the classroom from 8:30 a.m. to 1:00 p.m. The girls stated that Dr. Gregor never did anything while other adults were in the room.

Students also reported that Dr. Gregor insisted on sitting with them during lunch and holding their hands to and from the cafeteria. The students reported that Dr. Gregor would sometimes ask them to stay in for lunch, but to protect one another, the children would never leave a classmate alone with Dr. Gregor. Students also employed various strategies to avoid the discomfort they felt around Dr. Gregor. One student stated that she stopped wearing skirts, and would instead wear pants, double jackets, and tight belts to prevent accessibility. The students also reported that they tried to purposely elect all boys as class officers to avoid having to sit next to Dr. Gregor, but that he told them that there had to be girls represented as officers. Dr. Gregor maintained that sitting next to him was an option for class officers and that officers were rotated about every three weeks.

One student stated that Dr. Gregor made attempts to keep in her in the class because he wanted to kiss her, but she did not let him. Students stated that on more than one occasion, he told them they could get in trouble if they told anyone about the physical contact. According to students, fear prevented them from initially reporting anything to school officials or their parents. The Principal and Librarian at E.T. Salazar Elementary attested to the credibility of the students and had no reason to doubt their testimony.

Inappropriate Gift-Giving

Dr. Gregor stated that gifts to students were token reinforcements for good behavior, good grades, or for being elected as a class officer. He said that students were rewarded for straightening out the classroom and collecting papers. In addition to soda, candy, chips and school supplies, he stated that he gave personal things away that he otherwise would have thrown out, but that he didn't go out and purchase anything. Students acknowledged receiving sweets, crayons, markers, books, arts and crafts. They also reported that Dr. Gregor gave teddy bears, princess pillows, and other stuffed animals to girls exclusively.

One particularly questionable gift from Dr. Gregor to a student was a cell phone. The student's mother stated that Dr. Gregor purchased the phone for the girl and put her on his family plan. When asked what the purpose of the phone was, the mother stated that it was so he could stay in contact with the student. Dr. Gregor couldn't recall the circumstances surrounding the purchase of a cell phone, but that the student and her family were friends with his wife, so they added her to his phone plan. He couldn't recall a specific purpose for buying the student a cell phone, but that it was provided when the student was in fifth grade (the year after he was her teacher). The mother stated that she thought it was during the 4th grade year because the student and teacher used to communicate often using the mother's phone, and Dr. Gregor suggested buying the student a phone of her own. This arrangement lasted about six months, but was discontinued. Dr. Gregor stated that his wife had lost her phone and so they needed the student's cell phone as a replacement. The mother contends he took back the phone because communication between Dr. Gregor and the student became less frequent and that the girl had, in fact, stopped taking his calls. Dr. Gregor stated that he never called any students. Dr. Gregor indicated that the families are friends to this day, but that was contradicted by the mother's statement that as soon as she found out about the inappropriate touching, she stopped all contact with Dr. Gregor and his wife.

A second student interviewed mentioned that Dr. Gregor had offered to buy her a cell phone, as well, but that her mother refused permission. Contrary to Dr. Gregor's statement about not calling students, the mother of the second child I interviewed stated that his phone calls even became annoying. She estimated that he would call up to twenty times a day and when the mother questioned the frequency of the calls, he offered to buy a cell phone for the student.

Inappropriate Invitations to go to his house

The parents I interviewed all reported that Dr. Gregor invited their children to go over to his house for parties and to spend the night. Only the student who was reportedly a family friend actually did spend the night, but the three parents I talked to indicated that Dr. Gregor made multiple invitations for their children to go to his house. The student who went to his house claims that he asked her what she would be wearing and what she wanted him to wear. Dr. Gregor denies those claims.

Dr. Gregor could not recall inviting any students to his house, but that it was possible that his wife invited kids over. He stated that the only family he could recall as spending time at his house was the one identified earlier as family friends, for whom he had purchased a phone. To his recollection, the sleep over occurred outside the school year and that it occurred during the girls fifth grade year, so she was no longer his student at the time. Dr. Gregor stated that it wasn't inappropriate for the girl to stay at his house because she was no longer his student. He stated that early in his teaching career in Utah it was very common for teachers and students to have activities together, but they should be very careful about things like that. The student interviewed stated that nothing inappropriate occurred during the sleep-over. She said she stayed close to his wife and her young siblings the entire time. The inappropriate touching, she stated, occurred in Dr. Gregor's classroom.

2. Identity of each witness interviewed and a summary of their statement:

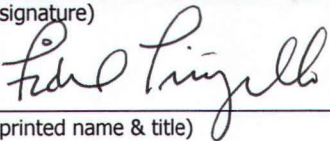
- Ms. Ruby Montoya, Principal, E.T. Salazar Elementary
- Detective Bryan Martinez, Espanola City Police
- Mr. Tomas Salazar (parent of alleged victim/witness Kathlynn Salazar)
- Ms. Bernadette Rivas (parent) and Ms. Nallele Hernandez (student, alleged victim/witness)
- Mrs. Veronica Dean, Librarian, E.T. Salazar and neighbor to Dr. Gregor
- Dr. Gary Gregor, Teacher, Grievant
- Ms. Anabelle Marquez (parent) and Ms. Anna Loya (student, alleged victim/witness)
- Ms. Tracy Oliver, HR Officer, Santa Fe Public Schools
- Ms. Connie Martinez, Foster Grandmother, E.T. Salazar Elementary

(Please see attached interview transcripts for witness statements)

3. Reasons for concluding that the allegation of ethical misconduct is substantiated:

Based on the interviews conducted, there is sufficient evidence suggesting wrongdoing by Dr. Gregor on the basis of breaching various sections of District Policy.

Form submitted by:**If not submitted by Superintendent, did Superintendent review this form?**

(signature) 	(name of district, charter school, REC) Espanola Public Schools, District #55	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(printed name & title) Dr. Fidel J. Trujillo, HR Director	(date) 05 / 24 / 10	

Please attach the following documents:

1. the licensee's employment contract,
2. any settlement or departure agreement signed by the licensee,
3. signed or unsigned witness statements,
4. police reports,
5. documentary evidence considered during the investigation (excluding employee's evaluation),
6. investigatory report, and
7. any other documents or records you believe the PED should consider.

Instructions and considerations for using this form:

1. This form is for use only by officials of a school district, charter school, or RECs to report ethical misconduct to the PED.
2. When completing the form, just place cursor directly in gray shaded boxes then type in your data entries and narrative responses.
3. Use this form only when reporting on a departing *licensed* employee who left while being discharged or terminated, or who otherwise decided to leave employment, after an allegation or accusation of ethical misconduct was made against that employee.
4. You must report ethical misconduct on this form to the PED's Educator Ethics Bureau within **30 days** of a licensed employee's departure *but only if the investigation you conducted resulted in a finding of wrongdoing*.
5. The law prohibits a school district, charter school or REC from entering into a settlement agreement with such a departing employee that would eliminate the responsibility of investigating and reporting to the PED the alleged ethical misconduct. Any such agreement is void.
6. The law also prohibits a school district, charter school or REC from maintaining a copy of this form in any of its files!
7. **Mail form to:** Public Education Department, Educator Ethics Bureau, 300 Don Gaspar, Santa Fe, NM 87501-2786; or **Fax to:** (505) 827-???? (don't forget your attachments!)

Excerpt of Section 22-10A-5 of law:

A. As used in this section, "**ethical misconduct**" means unacceptable behavior or conduct engaged in by a licensed school employee and includes inappropriate touching, sexual harassment, discrimination and behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.

* * * * *

F. A local superintendent, charter school administrator or director of a regional education cooperative or their respective designees shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing, the local superintendent, charter school administrator or director of a regional education cooperative shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the department and the licensed school employee within thirty days following the separation from employment. Copies of that form shall not be maintained in public school, school district or regional education cooperative records. No agreement between a departing licensed school employee and the local school board, school district, charter school or regional education cooperative shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void. Unless the department has commenced its own investigation of the licensed school employee prior to receipt of the form, the department shall serve the licensed school employee with a notice of contemplated action involving that employee's license within ninety days of receipt of the form. If that notice of contemplated action is not served on the licensed school employee within ninety days of receipt of the form, the form, together with any documents related to the alleged ethical misconduct, shall be expunged from the licensed school employee's records with the department and shall not be subject to public inspection.

G. The secretary may suspend, revoke or refuse to renew the license of a local superintendent, charter school administrator or regional education cooperative director who fails to report as required by Subsections E and F of this section.

H. A person who in good faith reports as provided in Subsections E and F of this section shall not be held liable for civil damages as a result of the report. The person being accused shall have the right to sue for any damages sustained as a result of negligent or intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.

The internet link to the entire reporting law is: <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

COPY

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT

PUBLIC EDUCATION DEPARTMENT,

Petitioner,

vs.

Licensure File #265-923

GARY F. GREGOR,

Applicant/Respondent.

NOTICE OF CONTEMPLATED ACTION

The Licensee, Gary F. Gregor (hereafter, "Applicant"), is hereby given notice that the New Mexico Public Education Department ("hereafter, "PED"), acting through its Educator Ethics Bureau (hereafter, "EEB"), proposes to take adverse administrative licensure action against Applicant and, more specifically, proposes to deny Applicant's Application for Continuing Licensure.

In accordance with the requirements of the Uniform Licensing Act at NMSA 1978, §61-1-4 (D) (1), the Applicant is advised that the PED has sufficient evidence that, if not rebutted or explained, will justify the PED in denying the renewal of Applicant's educator licensure. This Notice of Contemplated Action (hereafter, "NCA") explains the legal basis for the contemplated action, the general nature of the evidence against the Applicant, the adverse licensure action proposed, notification of the Applicant's right to request an administrative hearing, and a statement of the rights of a person entitled to such hearing.

I. LEGAL BASIS FOR CONTEMPLATED ACTION

The PED has jurisdiction to hear or to designate a hearing officer and to take adverse licensure action against the Applicant pursuant to the following authorities: the School Personnel Act, NMSA 1978, §22-10A-1 *et seq.*; Laws 2004, ch. 27 [Public Education Department Act]; and the Uniform Licensing Act, NMSA 1978, §61-1-1, *et seq.*

Pursuant to §22-10A-31, *supra*, of the School Personnel Act, “[i]n accordance with the procedures provided in the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978], the state board [Department] may deny, suspend or revoke a department-issued license for incompetency, moral turpitude or any other good and just cause.” The Uniform Licensing Act provides, at §61-1-3, that licensees or applicants shall be afforded notice and an opportunity to be heard before an agency has authority to take any action which would result in adverse licensure action including but not limited to suspension or revocation of a license.

II. GENERAL NATURE OF EVIDENCE AGAINST LICENSEE

1. Applicant signed and dated an Application for Continuing Licensure on May 27, 2010, and it was received by PED on the same date. According to the EEB’s records, Applicant is applying to renew his Level 2, Elementary K-8 and Special Education, K-12, licenses. Both licenses became effective July 1, 2001 and expired on June 30, 2010.

2. During the 2008-2009 school year, Applicant was employed by the Espanola Public Schools (EPS) as an elementary school teacher at E.T. Salazar Elementary School.

3. During the 2008-2009 school year, Applicant had inappropriate physical contact of a sexual nature with minor female students, inappropriately attempted to kiss minor female students, inappropriately gave gifts to students and made inappropriate invitations to minor female students to go to his residence with him and spend the night there. EPS served on Applicant a Notice of Termination on May 14, 2010, at the conclusion of his then current teaching contract.

4. During the 2008-2009 school year, Applicant often allowed his wife to volunteer in his classroom, despite the fact that she was neither a licensed substitute nor had the proper background check for someone who would have unsupervised access to students.

Count 1

5. Licensee's conduct as described in Section II above constitutes discrimination, unduly influencing students, inappropriately giving gifts to students, inappropriately touching students and other prohibited behavior with students in violation of Licensee's duties to his students and to the profession as expressed in the pertinent provisions of Regulation 6.60.9 NMAC [*Code of Ethical Responsibility of the Education Profession*] containing the Code of Ethics and Standards of Professional Conduct governing licensed educators. Licensee's conduct violated the following provisions:

(a) 6.60.9.9(B) (Standard I - Duty to the Student) (2) of the Standards of Professional Conduct prohibiting educators from discriminating against students within

their control, supervision or responsibility on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;

(b) 6.60.9.9(B) (Standard I - Duty to the Student) (3) of the Standards Professional Conduct requiring educators to avoid using their positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal or immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in that behavior;

(c) 6.60.9.9(B) (Standard I - Duty to the Student) (5) of the Standards Professional Conduct prohibiting educators from giving a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;

(d) 6.60.9.9(B) (Standard I - Duty to the Student) (7) of the Standards Professional Conduct prohibiting educators from having inappropriate contact with a student, whether or not on school property, which includes but is not limited to (a) forms of sexual touching, sexual relations or romantic relations; (b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student; (c) any open displays of affection toward mostly-boys or mostly-girls;

(e) 6.60.9.9(B) (Standard I - Duty to the Student) (8) of the Standards Professional Conduct prohibiting educators from interfering with a student's right to public education by sexually harassing a student, which prohibited behavior includes

any verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity; and (b) creating an intimidating, hostile or offensive work/school environment by, at a minimum, engaging in any of the prohibited behaviors set forth at paragraph 7 or subparagraph a of paragraph 8, subsection B of 6.60.9.9 NMAC.

6. The foregoing enumerated violations of the Standards of Professional Conduct constitute good and just cause for adverse disciplinary action, and the EEB is authorized by 6.60.9.10 NMAC to seek the same.

Count 2

7. Licensee's behavior as described in Section II above constitutes good and just cause to deny his application for educational licensure inasmuch as his conduct constitutes a violation of Subsection 8(C)(4) of 6.68.3 NMAC [*Suspension or Revocation of a License Held by a Licensed School Individual*] prohibiting a willful violation of any PED regulation prescribing standards of conduct for licensed school personnel at a time when the charged individual was subject to such requirement.

Count 3

8. Licensee's behavior as described in Section II above constitutes good and just cause to deny his application for licensure inasmuch as his conduct interfered with a student's right to a free public education as provided by Section 22-1-4 NMSA 1978 of the Public School Code and Article 12, Sections 1 and 5 of the New Mexico Constitution.

Count 4

9. Licensee's conduct as described in Section II above constitutes good and just cause to deny his application for licensure in that it involves, in part, sexual

misconduct with a minor student, all while he was in a position of authority and able to exercise undue influence over a minor. Such conduct also constitutes moral turpitude. Moreover, some of the misconduct directly related to Licensee's employment in an educational setting and calls into question his fitness, trustworthiness and suitability to engage in unsupervised teaching or other educational activities with minor female students.

Count 5

10. Licensee's behavior as described in Section II above constitutes good and just cause to deny his application for licensure inasmuch as his conduct constitutes failure to require a background check of someone with unsupervised access to students in violation of NMSA 1978, §22-10A-5(D).

Count 6

11. Licensee's behavior as described in Section II above constitutes good and just cause to deny his application for licensure inasmuch as his conduct violated the Board of Education's policies G-0750 requiring staff members to maintain appropriate professional behavior while working with students; G-0850 requiring staff to accord students the dignity and respect they deserve; and G-0900 discouraging gifts to students by staff members.

III. CONTEMPLATED ACTION

1. Sufficient evidence exists to justify the PED in denying Applicant's application for educator licensure pursuant to NMSA 1978, §61-1-3.

2. In accordance with NMSA 1978, §61-1-4(D)(3), the PED will or may take the contemplated action unless within twenty (20) days after service of this NCA the Licensee deposits in the mail a certified return receipt requested letter addressed to Dr. Susanna M. Murphy, Secretary of Education, and containing a request for an administrative hearing. Such request for an administrative hearing should be mailed to Dr. Susanna M. Murphy, Secretary of Education, Public Education Department, 300 Don Gaspar, Santa Fe, NM 87501.

3. Licensee is advised that, pursuant to NMSA 1978, §61-1-4 (E), if he does not mail a request for a hearing within the time and in the manner required by §61-1-4(D)(3), the PED may take the action contemplated in this notice, and such action shall be final and not subject to judicial review.

4. Licensee is further notified that any final decision entered in this action shall be made a permanent part of his licensure file with the PED and EEB, shall be accessible to all New Mexico school districts and shall be reported, to NASDTEC's national clearinghouse.

5. NMSA 1978, §61-1-4(G) of the Uniform Licensing Act provides that "Licensees shall bear all costs of disciplinary proceedings unless they are excused by the [PED] from paying all or part of the fees or if they prevail at the hearing and an action specified in Section 61-1-3 NMSA 1978 is not taken by the [PED]."

IV. STATEMENT OF RIGHTS

The rights of a person entitled to a hearing, pursuant to NMSA 1978, §61-1-8 of the Uniform Licensing Act, are as follows:

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as a matter of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books papers, documents and other evidence upon making written request therefor to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

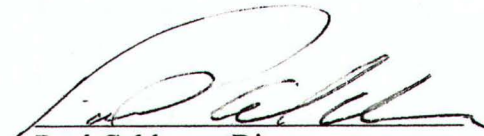
B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No such request shall be made less than fifteen days before the hearing.

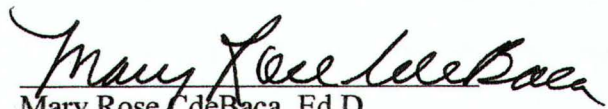
C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

08/20/10
Date


Paul Calderon, Director
Educator Ethics Bureau
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501

Approved by:

8-23-10
Date


Mary Rose CdeBaca, Ed.D.
Assistant Secretary
Educator Quality Division



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-6633
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RECEIVED

OCT 04 2010

Superintendent of Schools
Española Public Schools

DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

*Forward to:
Esther Romero*

September 29, 2010

Ms. Janette Archuleta, Superintendent
714 Calle Don Diego
Española, NM 87532

RE: Gary Gregor
File No.: 265-923

Dear Ms. Archuleta:

For your records, enclosed is a copy of the Notice of Contemplated Action issued in regards to Gary Gregor, who was/is employed by your district.

If you have any questions please feel free to contact me at (505) 827-6389.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kara".

Kara M. Herrmann
Paralegal

Agency Contact:

Bruce M. Berlin, Assistant General Counsel
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501
(505) 827-6641

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to NMSA 1978, §61-1-5 of the Uniform Licensing Act, a true and correct copy of the foregoing Notice of Contemplated Action was mailed to the Licensee, Gary F. Gregor, at his last known address as shown by the EEB's records, PO Box 388, Espanola, NM 87532 by certified mail, return receipt requested, item no. 7009 2820 0002 8535 0418, and by regular, first-class mail, this 27th day of August 2010.



Kara M. Herrmann, Paralegal

Fidel Trujillo

From: CGoodmacher@nea.org
Sent: Thursday, June 17, 2010 12:04 PM
To: Fidel Trujillo
Subject: RE: neutral reference
Importance: High

Fidel:

Our member, Mr. Gregor, requests that the last line be removed from the letter. I believe removing the invitation for a possible reference to call you with questions would not, in any way, prevent them from doing so. Additionally, the letterhead on which the letter is written clearly provides a phone number to the district.

In the alternative, Mr. Gregor may wish to pursue additional options. It is my sincere hope that this simple change could be produced quickly, and this matter can be put to rest.

Charles Goodmacher

From: Fidel Trujillo [mailto:fidel.trujillo@k12espanola.org]
Sent: Monday, June 14, 2010 8:12 AM
To: Goodmacher, Charles [NM]; garygregor@yahoo.com
Subject: RE: neutral reference

I have an employment verification form (hard copy) in my office. Can Dr. Gregor come in and pick it up or should I scan and send an electronic copy?

Fidel

Fidel J. Trujillo, Ph.D.
 Human Resources Director
 Española Public Schools
 505-367-3334 (office)
 505-753-4699 (fax)
 fidel.trujillo@k12espanola.org

From: CGoodmacher@nea.org [mailto:CGoodmacher@nea.org]
Sent: Tuesday, June 08, 2010 9:12 AM
To: Fidel Trujillo
Subject: FW: neutral reference

From: Gary Gregor [mailto:garygregor@yahoo.com]
Sent: Monday, June 07, 2010 4:36 PM
To: Goodmacher, Charles [NM]
Subject: neutral reference

Charles,

I still have heard nothing from Fidel.

12/17/2010

Fidel Trujillo

From: CGoodmacher@nea.org
Sent: Tuesday, June 15, 2010 7:47 AM
To: Fidel Trujillo
Subject: RE: neutral reference

Would you please send me an electronic copy for my records, please? I'm not sure if Dr. Gregor will be coming in to pick one up or if he'll want electronic copy too.

Thanks!

Charles Goodmacher

From: Fidel Trujillo [mailto:fidel.trujillo@k12espanola.org]
Sent: Monday, June 14, 2010 8:12 AM
To: Goodmacher, Charles [NM]; garygregor@yahoo.com
Subject: RE: neutral reference

I have an employment verification form (hard copy) in my office. Can Dr. Gregor come in and pick it up or should I scan and send an electronic copy?

Fidel

Fidel J. Trujillo, Ph.D.
 Human Resources Director
 Española Public Schools
 505-367-3334 (office)
 505-753-4699 (fax)
 fidel.trujillo@k12espanola.org

From: CGoodmacher@nea.org [mailto:CGoodmacher@nea.org]
Sent: Tuesday, June 08, 2010 9:12 AM
To: Fidel Trujillo
Subject: FW: neutral reference

From: Gary Gregor [mailto:garygregor@yahoo.com]
Sent: Monday, June 07, 2010 4:36 PM
To: Goodmacher, Charles [NM]
Subject: neutral reference

Charles,

I still have heard nothing from Fidel.

Gary

Only the individual sender is responsible for the content of the message, and the message does not necessarily reflect the position or policy of the National Education Association or its affiliates.

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12/17/2010

Fidel Trujillo

From: Fidel Trujillo
Sent: Monday, June 14, 2010 8:12 AM
To: 'CGoodmacher@nea.org'; 'garygregor@yahoo.com'
Subject: RE: neutral reference

I have an employment verification form (hard copy) in my office. Can Dr. Gregor come in and pick it up or should I scan and send an electronic copy?

Fidel

Fidel J. Trujillo, Ph.D.
Human Resources Director
Española Public Schools
505-367-3334 (office)
505-753-4699 (fax)
fidel.trujillo@k12espanola.org

From: CGoodmacher@nea.org [mailto:CGoodmacher@nea.org]
Sent: Tuesday, June 08, 2010 9:12 AM
To: Fidel Trujillo
Subject: FW: neutral reference

From: Gary Gregor [mailto:garygregor@yahoo.com]
Sent: Monday, June 07, 2010 4:36 PM
To: Goodmacher, Charles [NM]
Subject: neutral reference

Charles,

I still have heard nothing from Fidel.

Gary

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Fidel Trujillo

From: Fidel Trujillo
Sent: Wednesday, June 02, 2010 8:08 AM
To: 'CGoodmacher@nea.org'
Cc: 'garygregor@yahoo.com'
Subject: RE: agreement from the school district

Mr. Goodmacher,

I have a draft letter that is awaiting the Superintendent's review and signature. However, it was my understanding that the Superintendent would agree to the resignation WITHOUT a neutral reference.

Let me know how this affects the matter.

Fidel

Fidel J. Trujillo, Ph.D.
 Human Resources Director
 Española Public Schools
 505-367-3334 (office)
 505-753-4699 (fax)
 fidel.trujillo@k12espanola.org

From: CGoodmacher@nea.org [mailto:CGoodmacher@nea.org]
Sent: Tuesday, June 01, 2010 4:52 PM
To: Fidel Trujillo
Cc: garygregor@yahoo.com
Subject: FW: agreement from the school district
Importance: High

Dr. Trujillo,
 Would you please send a "neutral" letter of reference per our agreement to Mr. Gregor so that he has that "in hand?" I appreciate your time and consideration,
 Charles Goodmacher

From: Gary Gregor [mailto:garygregor@yahoo.com]
Sent: Tuesday, June 01, 2010 4:50 PM
To: Goodmacher, Charles [NM]
Subject: agreement from the school district

Charles,

You said that if I turned in a statement of resignation I would get an agreement from the school district giving me a neutral recommendation. I still haven't received it yet. Can you tell me what's going on?

Gary

Only the individual sender is responsible for the content of the message, and the message does not necessarily reflect the position or policy of the National Education Association or its affiliates.

12/17/2010

SUPERINTENDENT

Janette Archuleta

Email:

janette.archuleta@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Espanola, New Mexico 87532

505-753-2254

Fax 505-747-3514

★ Española ★

PUBLIC SCHOOL DISTRICT #55



Reaching for Excellence

BOARD OF EDUCATION

Joann V. Salazar, President

Floyd E. Archuleta, Vice President

Andrew J. Chávez, Secretary

Leonard J. Valerio, Member

Jose I. "Coco" Archuleta, Member

June 2, 2010

To Whom It May Concern:

This memorandum is a verification of employment for Gary Gregor. Mr. Gregor was employed by the Espanola Public School District as a Teacher from January 10, 2005 until May 26, 2010. His beginning base salary was \$30,741 and was pro-rated for starting mid-year. His ending salary was \$44,403.

Sincerely,

Dr. Fidel J. Trujillo

Human Resources Director

May 26, 2010

I, Gary Frank Gregor, hereby resign my position as a teacher in the Espanola Public School District effective at the end of the 2009-2010 contract year.

Signature Gary Gregor



BEFORE THE NEW MEXICO SECRETARY OF EDUCATION

PUBLIC EDUCATION DEPARTMENT,)

Petitioner)

Licensure File No. 265-923

vs.)

GARY F GREGOR,)

Respondent)

DECISION AND ORDER

This **DECISION AND ORDER** of the Secretary of Education ("Secretary") of the New Mexico Public Education Department ("NMPED") is issued pursuant to NMSA 1978, Sections 9-24-8; 22-2-2(K); 22-10A-31; 61-1-1 to 61-1-31 ("Uniform Licensing Act"); rule 6.68.2 NMAC ("Denial of Applications for Licenses for School Personnel"), and rule 6.60.9 NMAC ("Code of Ethical Responsibility of the Education Profession"), to implement the "Hearing Officer's Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order" of April 3, 2011. (Attachment A)

Having familiarized myself with the record, including the hearing officer's report, the entire 942 page transcript of the hearing together with all exhibits contained therein, Licensee's "Proposed Findings/Requested Conclusions of Law," and "Petitioner's Proposed Findings of Fact and Conclusions of Law," and being otherwise fully advised in this matter, I, the Secretary, hereby adopt as my own all of the referenced "Hearing Officer's Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order," which adopts and incorporates by reference most but not all of "Petitioner's Proposed Findings of Fact and Conclusions of Law," (Attachment B), and incorporate

both as though fully set forth herein. I concur with the Hearing Officer in those portions of Petitioner's proposed rulings that were rejected.

I, the Secretary, hereby make the following additional findings of fact and conclusions of law as follows:

ADDITIONAL FINDINGS OF FACT:

1. There was substantial, undisputed evidence in the record that Gary F. Gregor ("Licensee") engaged in inappropriate behavior involving minor girls while employed as a fourth grade teacher holding educator licenses issued by the Public Education Department. Consider the following¹:

- a) One female student testified that Licensee said, "I love you." to her. [TR 167, lines 4-14]
- b) The girl Licensee had stated his love to also said that he gave her a cell phone and then would call her every day. [TR 128, lines 2-25; TR 129]
- c) The same girl testified that Licensee tried to get her into a closet in the classroom to kiss her. [TR 115-116]
- d) The same girl testified that Licensee told her not to tell anyone "or else". [TR 119, lines 5-25]
- e) The same girl testified that Licensee invited her to his house for dinner and to stay over and that prior to her going to his house he called her and asked her what she would wear. [TR 129-134]
- f) The same girl testified that he touched other girls and that he put his hand

¹ In this Decision & Order, "TR" will refer to the Transcript and "lines" will refer to the lines numbered in the transcript.

inside her pants. [TR 114; TR 121-122]

- g) The same girl testified that Licensee gave her a 1 to 1½ foot tall new Teddy bear and two to three art sets. [TR 124-126]
- h) The same girl testified that Licensee would sit with students in the cafeteria during lunch and eat his lunch with them. [TR 132]
- i) A second girl testified that once when he kept her in class during recess, Licensee whispered in her ear and in so doing either licked her ear or kissed it. [TR 216, lines 4-17]
- j) The second girl testified that Licensee invited her to his house for dinner and to sleep over. [TR 233, lines 6-20]
- k) The second girl testified that Licensee gave her gifts of a Teddy bear and some pens with his name on them. [TR 238, lines 2-23]
- l) Angela Dawson, Assistant Human Resources Director, of Santa Fe Public Schools, testified that her investigation into complaints of inappropriate behavior by Licensee involving girls revealed that he had formed a basketball team of only girls and that they would play during recess during which time Licensee would push his body against the girls. [TR 279- 280]
- m) Angela Dawson testified that her investigation revealed that one girl she interviewed told her that Licensee had hugged her and that she did not know why. [TR 305, lines 6-13]
- n) Angela Dawson testified that she thought that Licensee had boundary issues involving girls in that he allowed them to sit on his lap and touched them in a certain fashion. [TR 340-341]

- o) Jennifer Chavez, an Educational Assistant at the same school in Española Public Schools where Licensee worked, testified that she saw him at lunch each day sitting between two girls and that his hands were under the table. [TR 420]
- p) Fidel Trujillo, Assistant Superintendent for Operations at Española Public Schools, testified that when he was investigating allegations against Licensee, Licensee told him about giving students gifts but omitted any mention of giving Teddy bears [TR 502]; that licensee confirmed that the student he had given the cell phone to was a student he invited to his house [TR 515]; that Licensee confirmed that he sat with his students at lunch but only to get to know them [TR 517-518]; that Licensee said he did not telephone students even though a student told him he called her between 10 to 20 times per night [TR 519].
- q) A third student testified that Licensee gave her numerous gifts including bears, a 2 foot-wide pink pillow book with Cinderella on it, candies and gum, a pencil box and crayons. [TR 549-550]
- r) The third student testified that one of the bears Licensee gave her had the words, "I love you" on it. [TR 52]
- s) The third student testified that Licensee would touch her legs, private parts and kiss her cheek and that he threatened her if she told. [TR 561-564]
- t) The third student testified that Licensee would pretend to want to whisper something in her ear then he would kiss her. [TR 569, lines 11-21]
- u) The third student testified that Licensee invited her to his house twice to

sleep over but she declined. [TR 571-572]

- v) The third student testified that she was afraid to tell her mother because Licensee had threatened her. [TR 580]
- w) The third student testified that Licensee only held girls' hands. [TR 582]
- x) The third student testified that the students thought Licensee was cool because he gave them presents, although the boys only got candies. [TR 610-611]
- y) Ruby Montoya, principal at the school where Licensee worked and a person who with her husband socialized with Licensee and appeared somewhat favorable toward Licensee, testified that she had investigated an incident involving Licensee in which it had been alleged Licensee touched a girl's breasts while separating two girls who were fighting. [TR 814-816]
- z) Ruby Montoya testified that she received one complaint about Licensee always sitting on the side of the table with the girls and told him not to do that. [TR 823, line 25]
- aa) Ruby Montoya testified that she knew Licensee was holding girls' hands while walking to and from the cafeteria and that she told him to stop that. [TR 866]
- bb) Ruby Montoya testified that she agreed that having children at a teacher's house was not typical and that a teacher should not have students over. [TR 877 & 892]
- cc) Jimmy Montoya, a teacher and the husband of Ruby Montoya who was

called to testify by Licensee and generally spoke favorably of Licensee, testified that he agreed that it was inappropriate to give a student a cell phone or to have his students sleep over. [TR 930]

dd) In July 2004, an administrator at Santa Fe Public Schools issued an investigative report which summarized and substantiated a complaint against Licensee of inappropriate contact with female fourth grade students both in and out of the classroom. [EX 8]

ee) After Santa Fe Public Schools issued a Notice of Discharge to Licensee, Licensee signed an agreement in which he resigned in lieu of going through an employment discharge proceeding. [EXs 12 and 14]

ff) In May 2005, the Public Education Department issued a 3-page reprimand to Licensee for, among other things, having fourth grade girls frequently sit on his lap at which time he would hug them, put his arm around their waists and tickle them on their stomach or arm. [EX 7]

gg) The record contained numerous diagrams from children indicating the location where the inappropriate touching had occurred and where on their body they had been inappropriately touched by Licensee. [EXs 15, 16, 17, 22, 23, 24, 25, 28, and 29]

2. Licensee through counsel appeared to state to the Hearing Officer that Licensee was going to present his side of the story during the hearing ("But they haven't heard my client's side yet."). However, as Petitioner pointed out in its proposed findings of fact #83, "Respondent did not testify at the hearing..." [TR 400, lines 1-2]; [Attachment B].

3. During a lengthy objection by Licensee which he based on state and federal constitutional theories when Petitioner requested leave from the Hearing Officer to amend the Notice of Contemplated Action to change the year when the alleged misconduct occurred from the 2008-2009 school year to the 2007-2008 school year, Petitioner included mention that Licensee had received his licenses from the Public Education Department but was asked to return them which he did. It is apparent from the record that Licensee's disputed licenses were issued to him by mistake as clearly explained in an October 2010 letter to Licensee's counsel which was introduced into evidence by stipulation of the parties and without further objection by Licensee. [TR 7-11]; [EX 21].

ADDITIONAL CONCLUSIONS OF LAW:

1. Sections 22-2-2(K), 22-10A-31 and 61-1-3, NMSA 1978 permit me to deny, suspend or revoke a license; or to censure or reprimand a license; or to impose restrictions or limitations on the scope of a practice; or to engage in corrective action.

2. The standard of proof applied in New Mexico in administrative proceedings is a preponderance of the evidence. *Foster v. Board of Dentistry*, 103 N.M. 776, 778 (S.Ct. 1986); §§6.68.2.15 and 6.68.2.17 NMAC (2010).

3. For the purposes of reviewing an agency disciplinary decision made under the Uniform Licensing Act, a reviewing district court must defer to the agency's factual determinations if supported by substantial evidence. *New Mexico State Board of Psychologist Examiners v. Land*, 2003-NMCA-034, ¶ 5, 133 N.M. 362, 364, 62 P.3d 1244.

4. Substantial evidence is evidence that a reasonable mind would regard as adequate to support the conclusion. *In the Matter of the Termination of Douglas Larsen*, *Id.* at ¶ 20, relying on, *In re Termination of Kibbe*, 2000-NMSC-006, 15, 128 N.M. 629, 996 P.2d 419.

5. The NMPED has made out a prima facie case consisting of documentary evidence, testimony of an employee from the NMPED, and testimony from numerous witnesses that Licensee committed the acts charged in the NCA.

6. The NMPED has established by a preponderance of the evidence that Licensee engaged in conduct that would support denial of renewal of his licenses in that Licensee sexually harassed female students, Licensee created an intimidating school environment, licensee gave inappropriate gifts to mostly female students, Licensee gave at least one of his female students a cell phone and then proceeded to call her numerous times at her home, Licensee inappropriately touched female students, Licensee inappropriately conveyed the message with his words and through at least one Teddy bear that he loved certain of his female students, Licensee engaged in unprofessional and improper behavior, and Licensee engaged in immoral conduct with students.

7. Because all statutory and regulatory timelines and procedures in connection with a hearing on proposed adverse licensure action have been followed, Licensee received all the due process to which he was entitled.

8. I sustain the Hearing Officer's ruling of permitting the introduction into evidence over Licensee's objection Exhibit 27, a May 13, 2010 transcript of an interview conducted by Assistant Superintendent Fidel Trujillo of Licensee, because:

- a) Although the testimony establishes that the Petitioner did not possess the document in question before the instant hearing and did not list it as an exhibit it intended to use, Licensee could have obtained the document had he engaged in discovery which the record indicates he did not do. [TR 504, 505, 536]; [EX 2, page 8]; Sec, Uniform Licensing Act ("ULA"), §61-1-8, NMSA 1978; see also, 6.68.2.13(E) NMAC ("Discovery").
- b) Section 61-1-11, NMSA 1978 of the ULA makes it clear that the formal rules of evidence do not apply but that fact finders are guided by reason and have discretion in what evidence they may receive.
- c) The May 2010 transcript contains admissions made by Licensee at a time when he was represented by a member of his union, the NEA. See, Rules of Evidence 11-801(D)(2).

9. For the reasons stated in "Hearing Officer's Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order" and also because settlement agreements with public bodies are public records and are not protected by the attorney-client privilege, I sustain the Hearing Officer's ruling of permitting the introduction into evidence over Licensee's objection Exhibit 14, which was Licensee's 2004 agreement with Santa Fe Public Schools to resign his employment and withdraw his request for a hearing on his proposed discharge. See, *Board of Commissioners of Doña Ana County v. Las Cruces Sun-News*, 2003-NMCA-102, ¶¶24 & 25, 134 N.M. 283, 76 P.3d 36 (Settlement agreements entered into with a public body are outside the attorney-client privilege and are public records); and see also, 22-10A-5(F) NMSA 1978 ("No agreement between a departing licensed school employee and the local school board,

school district, charter school or regional education cooperative shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, *and any such agreement to the contrary is void.*") (emphasis added).

10. Part of Licensee's strategy in disparaging the credibility of the minor girls' testimony when they testified of their fear of Licensee was asking various witnesses if the minor girls had called the police, why they had not called the police, why they had not complained to the principal or to the school counselor, why some said that Licensee was an admired teacher, what was wrong with their accepting gifts from Licensee since boys got them too, and why they agreed to go to Licensee's house for dinner and a sleepover if he was in fact touching them. It should be noted that "...many courts have also considered the likelihood that children react to and relate traumatic events somewhat differently than adults." See, *In Re Troy*, P., 114 N.M. 525, 530 (Ct. App. 19992); and compare, *State v. Gardner*, 2003-NMCA-107. *Gardner* involved four high school students who testified that their Hobbs, New Mexico assistant principal had on various occasions while at school touched their breasts and/or buttocks and had done so in situations where each was alone with the perpetrator such that it was their word against his. Just as in the present case, there were no witnesses but the girls themselves. The girls in *Gardner* were reluctant to tell anyone. One victim "...stated that she did not tell anyone about the incident at the time because she thought that no one would believe her." *Gardner* at ¶35. Another victim testified, "She did not tell anyone because everyone loved Defendant and she feared she would not be believed." *Gardner* at ¶37. Another victim "...testified that she did not tell anyone because she knew it happened to others and they did not tell." *Gardner* at ¶37. Mr. Gardner was convicted of criminal sexual

contact of a minor in the third degree and went to prison. Compare to the current case in which one girl testified, “He said not to tell anybody or else, just like that.” [TR 119, lines 17-18]; another girl testified, “Well, because I was scared, like—he threatened me, saying that if I tell anyone about this, that he is going to do something to me...But he never told me what he was going to do...And I was scared since then, so I didn’t tell no one, only my friends.” [TR 564, lines 5-12] There was no expert testimony at the administrative hearing that established a “textbook way” for a female minor to react to inappropriate touching by Licensee, a teacher, who had created a trusting climate of providing gifts of endearment, hugs and other signs of affection to select fourth grade girls—his students.

11. As adopted by the Hearing Officer, Petitioner’s requested conclusion of law #14 correctly concluded that Licensee’s behavior in part involved sexual misconduct² with a minor student while he was in a position of authority and able to exercise undue influence over a minor. [Attachment B, ¶14] “A person in a ‘position of authority’ is defined under New Mexico law as “that position occupied by a parent, relative, household member, *teacher*, employer or other person *who, by reason of that position, is able to exercise undue influence over a child.*” *State v. Haskins*, 2008-NMCA-086, ¶9, 144 N.M. 287, 186 P.3d 916, (upholding conviction of a massage therapist for eight counts of criminal sexual contact of a minor by use of coercion by a person in a position of authority, contrary to NMSA 1978, § 30-9-10(F)) (emphasis added), relying on, *State v. Gardner*, *id.* at ¶ 38 (holding that assistant principal used position of authority “to gain the trust of the victims, to obtain the opportunity to touch the victims, and to cause them

² It should be noted that in 2007, the Legislature added the definition of “ethical misconduct” to the School Personnel Act. See, NMSA 1978, § 22-10A-5(A) (“*ethical misconduct* means unacceptable behavior or conduct engaged in by a licensed school employee and includes *inappropriate touching*, sexual harassment, discrimination and *behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.*”) (emphasis added); see Laws of 2007, ch. 263, § 1.

to submit to his unlawful touching”); *State v. Segura*, 2002-NMCA-044, ¶¶ 16-17 (holding that, but for faulty jury instruction, uncle’s conviction for criminal sexual contact with a minor by person in position of authority would have been upheld); *State v. Corbin*, 111 N.M. 707, 710, 809 P.2d 57, 60 (Ct. App. 1991) (holding that employer controlled the victim’s will, at least in part, by using his position as the victim’s employer); *State v. Gillette*, 102 N.M. 695, 702, 699 P.2d 626, 633 (Ct. App. 1985) (holding that live-in babysitter was in position of authority over child).

12. For reasons contained in said portions I have incorporated of both “Hearing Officer’s Report to the Secretary and Proposed Findings of Fact and Conclusions of Law and Order” of April 3, 2011 and “Petitioner’s Proposed Findings of Fact and Conclusions of Law,” most of which the Hearing Officer adopted and incorporated by reference, and pursuant to my complete record review and my own findings and conclusions, I hereby DECIDE and ORDER—that good and just cause have been established by a preponderance of the evidence to deny issuance of licenses to Gary F. Gregor.

NOW THEREFORE effective as of the date of this **DECISION AND ORDER**, Gary F. Gregor’s application for renewal of his Level II, Elementary K-8 and Special Education K-12 licenses, is **HEREBY DENIED**.

Additionally:

1. The Educator Ethics Bureau (EEB) may, pursuant to Section 17(F) of 6.68.2 NMAC (2010), report the denial to the National Association of State Directors of Teacher Education and Certification.

2. Licensee shall be responsible for paying to the NMPED all costs of the disciplinary proceeding as permitted by NMSA 1978, Section 61-1-4(G), provided that:

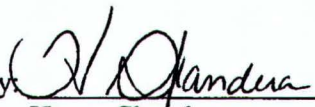
(a) The Director of the EEB, or his attorney, within 10 days of issuance of this Decision and Order, submits an affidavit of allowable itemized costs incurred, together with copies of supporting documentation verifying that the costs were incurred;

(b) Licensee may, within 10 days of receipt of the affidavit of costs, file an affidavit or other document in opposition of assessment of costs.

3. I shall retain jurisdiction over this matter until no later than June 29, 2011, at which time I will issue an Amended Decision and Order only on the issue of what costs if any will be awarded.

RIGHT OF APPEAL

This is a final decision and order of the Secretary of Education, which pursuant to Sections 39-3-1.1, 22-10A-31 and 61-1-17 of the New Mexico Statutes Annotated 1978, you may appeal by filing a timely Notice of Appeal in the appropriate district court. Any such district court appeal must be filed within 30 days of the filing of this decision and order with the New Mexico Public Education Department. The decision and order will be filed on the date of my signature below.

By: 
Hanna Skandera
Secretary of Education

Dated: 5.31.11

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Decision and Order together with Attachment A and Attachment B, was served upon the following, this 31st day of May, 2011 as follows:


(by first class U.S. mail & email)
Gilbert J. Vigil, Esq.
507 Roma Ave, NW
Albuquerque, NM 87102

(by first class U.S. mail & email)
Patricia Bustamante, Esq.
688 Callecita Jicarilla
Santa Fe, NM 87505

(copy hand-delivered on May 31, 2011)

Bruce M. Berlin,
Assistant General Counsel
Attorney for Public Education
Department
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786

Paul Calderon, Director
Educator Ethics Bureau
Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786



Linda Olivas, Administrative Assistant
Public Education Department

Fidel Trujillo wrote:

I will give you a call later this morning. I have meetings until 10 a.m. Are you available mid-morning?

Per my conversation with the Superintendent, the resignation offer was denied because he was allowed to resign from Santa Fe under similar allegations before he came to Espanola. When I call, remind me to review my conversations with the NMPED Ethics Bureau Chief.

Fidel

Fidel J. Trujillo, Ph.D.
Human Resources Director
Española Public Schools
505-367-3334 (office)
505-753-4699 (fax)
fidel.trujillo@k12espanola.org

From: Tony F. Ortiz [<mailto:tfo@santafelawyers.com>]
Sent: Saturday, May 22, 2010 6:28 AM
To: Fidel Trujillo
Subject: (no subject)

We need to talk about the offer of resignation from your tenured employee.

--

Tony F. Ortiz, Esq.
Scheuer, Yost & Patterson, PC
125 Lincoln Avenue, Suite 223
P.O. Box 9570
Santa Fe, N.M. 87504-9570
ph: 505-989-7500 or
505-982-9911
fax: 505-982-1621
e-mail: tfo@santafelawyers.com

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★ **Española** ★
Public Schools



SUPERINTENDENT

Janette Archuleta
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714 Calle Don Diego
Espanola, New Mexico 87532
505-753-2254
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BOARD OF EDUCATION

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May 21, 2010

Public Education Department
Educator Ethics Bureau
Attn: Lonnie Hudson, Director
300 Don Gaspar
Santa Fe, NM 87501

Dear Mr. Hudson:

Per your request enclosed a duplicate copy of the personnel file for Gary F. Gregor to be used to determine licensure. After determination has been resolved, please return the copy to my office.

Please send me an email advising receipt of this file. My email is (fidel.trujillo@k12espanola.org).

Thank you.

Sincerely,

Dr. Fidel Trujillo, PhD
Director of Human Resources

Cy:
Personnel File

Fidel Trujillo

From: CGoodmacher@nea.org
Sent: Thursday, May 20, 2010 9:14 AM
To: Fidel Trujillo
Subject: Gregor?
Importance: High

Fidel,

Please advise ASAP today re the Supt. agreeing or not to the resignation offer. Otherwise, we are forced by the timeline to file for the hearing and reasons - and Gregor is clamoring to do so. I believe the resignation would be in everyone's best interests.

Charles Goodmacher

Only the individual sender is responsible for the content of the message, and the message does not necessarily reflect the position or policy of the National Education Association or its affiliates.

Gary Gregor Investigation Summary
Prepared by Dr. Fidel J. Trujillo, HR Director
Espanola Public Schools
May 14, 2010

Dr. Gary Gregor, a Teacher at E.T. Salazar, was placed on administrative leave effective May 15, 2009 according to a memo from Lucia Sedillo (HR Officer) to Business Manager Charlene Sanchez. Dr. Gregor's personnel file contains a copy of the letter of intent for the 2009-2010 school year dated May 26, 2009 and signed by Kina Quintana, HR Administrative Assistant. There is, however, no record of an employment contract for the 2009-2010 school year in his personnel file. His file does contain a copy of a letter sent to Dr. Gregor from Superintendent Janette Archuleta dated August 11, 2009, informing him that his status on administrative leave would continue for the 2009-2010 school year until the conclusion of the pending law enforcement investigation.

At the beginning and throughout most of the 2009-2010 school year, the District has attempted to obtain information and status updates from the local law enforcement agency investigating the case and the District Attorney's Office reviewing it. District Administrators (Superintendent, Assistant Superintendent, and HR Director) were repeatedly advised that the District's hands were tied in this matter and that we could not conduct our own investigation because the alleged incident did not occur on school grounds and the DA's office was not able to release any information regarding the allegations or the names of the alleged victims because the police investigation was ongoing.

When a second opinion was sought, however, legal counsel advised that the District had a right to conduct its own investigation independent of the criminal investigation and, indeed, due diligence needed to be demonstrated before taking any personnel actions affecting Dr. Gregor. In addition to (and distinct from) the pending criminal case, the District has a right and responsibility to investigate anything that bears on Dr. Gregor's fitness for the classroom, whether alleged misconduct occurred on or off campus. Moreover, the names of alleged victims/witnesses were included in a memorandum to Dr. David Cockerham from Detective Bryan Martinez of the Espanola Police Department, providing a baseline for investigating the charges.

In the interim, Dr. Gregor's educator's license (265923) was up for renewal in the spring of 2010. In processing the renewal application, HR staff submitted an Ethical Misconduct Reporting Form on March 9, 2010, as advised by the Public Education Department Educator Ethics Bureau based on knowledge of a pending criminal investigation.

Upon the advice of our legal counsel, an internal investigation was commenced on May 10, 2010. Potential witnesses were identified and a pre-determination notice was sent to Dr. Gregor, per Article 33 of the Collective Bargaining Agreement. Interviews were scheduled as follows:

- Mrs. Ruby Montoya, Principal, E.T. Salazar, 9:00 a.m. on May 12, 2010
- Detective Bryan Martinez, Espanola City Police, 1:15 p.m. on May 12, 2010
- [REDACTED] (parent of alleged victim/witness [REDACTED]), 4:30 p.m. on May 12, 2010
- [REDACTED] (parent) and [REDACTED] (student, alleged victim/witness), 10:00 a.m. on May 13, 2010
- Mrs. Veronica Dean, Librarian, E.T. Salazar and neighbor to Dr. Gregor, 11:00 a.m. on May 13, 2010 (Telephone Interview)
- Dr. Gary Gregor, Teacher, E.T. Salazar, 1:30 p.m. on May 13, 2010
- [REDACTED] (parent) and [REDACTED] (student, alleged victim/witness), 3:00 p.m. on May 13, 2010
- Ms. Tracy Oliver, HR Officer, Santa Fe Public Schools, 8:00 a.m. on May 14, 2010 (Telephone Interview)
- Ms. Connie Martinez, Foster Grandmother, E.T. Salazar Elementary, 9:00 a.m. on May 14, 2010 (Telephone Interview)

Based on the interviews conducted, there is sufficient evidence suggesting wrongdoing by Dr. Gregor on the basis of breaching various sections of District Policy. A summary of findings includes multiple accounts of:

- 1. Inappropriate physical contact with students initiated by Dr. Gregor;**
- 2. Inappropriate gift-giving to students by Dr. Gregor;**
- 3. Inappropriate invitations by Dr. Gregor for students to go to his residence.**

The policies relevant to the findings listed above are Policy G-0750, Policy G-0850, and Policy G-0900.

The Standards of Professional Conduct (listed in Policy G-0750, GBEB Staff Conduct) state that educators:

- shall not have inappropriate contact with any student, whether or not on school property, which includes, but is not limited to, inappropriate touching which is any physical touching, embracing, petting, hand-holding or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;
- shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to, any open displays of affection toward mostly boys or mostly girls;
- shall not give a gift to any student unless all students situated similarly receive or are offered gifts of equal value for the same reason;
- shall not create an intimidating, hostile or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors set forth above.

In addition, Policy G-0850, GBEBB, Staff Conduct with Students states that

- All personnel employed by the District are expected to relate to students of the District in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct;
- Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process;
- Violations of the above shall be considered serious and may result in severe disciplinary action.

Moreover, Policy G-900, GBEBB, Gifts To and Solicitations, states that gifts to students by staff members shall be discouraged.

Inappropriate Physical Contact

The female students I interviewed stated that as 4th graders, Dr. Gregor made them feel very uncomfortable by rubbing their legs and touching their waists underneath their clothes. He also attempted to touch them on their “private parts”. Students indicated that he never actually did touch their private areas because they did not let him. Consistencies in student narratives included that the physical contact often occurred when Dr. Gregor would have female students sit next to him at his table as elected class officers. Dr. Gregor denied touching the students and stated that there was always another adult in the room in the form of the foster grandmother. The foster grandmother acknowledged that students often sat at the same table as Dr. Gregor, but that she never witnessed anything improper. The foster grandmother also said that she was only present in the classroom from 8:30 a.m. to 1:00 p.m. The girls stated that Dr. Gregor never did anything while other adults were in the room.

Students also reported that Dr. Gregor insisted on sitting with them during lunch and holding their hands to and from the cafeteria. The students reported that Dr. Gregor would sometimes ask them to stay in for lunch, but to protect one another, the children would never leave a classmate alone with Dr. Gregor. Students also employed various strategies to avoid the discomfort they felt around Dr. Gregor. One student stated that she stopped wearing skirts, and would instead wear pants, double jackets, and tight belts to prevent accessibility. The students also reported that they tried to purposely elect all boys as class officers to avoid having to sit next to Dr. Gregor, but that he told them that there had to be girls represented as officers. Dr. Gregor maintained that sitting next to him was an option for class officers and that officers were rotated about every three weeks.

One student stated that Dr. Gregor made attempts to keep in her in the class because he wanted to kiss her, but she did not let him. Students stated that on more than one occasion, he told them they could get in trouble if they told anyone about the physical contact. According to students, fear prevented them from initially reporting anything to school officials or their parents. The Principal and Librarian at E.T. Salazar Elementary attested to the credibility of the students and had no reason to doubt their testimony.

Dr. Gregor also stated that when he was employed by the Santa Fe Public Schools, two docents claimed that he had two students sitting on his lap at the museum. He said he had no recollection of that but that he basically agreed to quit because the docents had a lot of political power. A telephone call to the HR Office at Santa Fe Public schools confirmed that Dr. Gregor was allowed to resign. Tracy Oliver, HR Officer at SFPS confirmed that the resignation was related to similar issues involving interactions with students, but she did not have access to the legal records.

Inappropriate Gift-Giving

Dr. Gregor stated that gifts to students were token reinforcements for good behavior, good grades, or for being elected as a class officer. He said that students were rewarded for straightening out the classroom and collecting papers. In addition to soda, candy, chips and school supplies, he stated that he gave personal things away that he otherwise would have thrown out, but that he didn't go out and purchase anything. Students acknowledged receiving sweets, crayons, markers, books, arts and crafts. They also reported that Dr. Gregor gave teddy bears, princess pillows, and other stuffed animals to girls exclusively.

One particularly questionable gift from Dr. Gregor to a student was a cell phone. The student's mother stated that Dr. Gregor purchased the phone for the girl and put her on his family plan. When asked what the purpose of the phone was, the mother stated that it was so he could stay in contact with the student. Dr. Gregor couldn't recall the circumstances surrounding the purchase of a cell phone, but that the student and her family were friends with his wife, so they added her to his phone plan. He couldn't recall a specific purpose for buying the student a cell phone, but that it was provided when the student was in fifth grade (the year after he was her teacher). The mother stated that she thought it was during the 4th grade year because the student and teacher used to communicate often using the mother's phone, and Dr. Gregor suggested buying the student a phone of her own. This arrangement lasted about six months, but was discontinued. Dr. Gregor stated that his wife had lost her phone and so they needed the student's cell phone as a replacement. The mother contends he took back the phone because communication between Dr. Gregor and the student became less frequent and that the girl had, in fact, stopped taking his calls. Dr. Gregor stated that he never called any students. Dr. Gregor indicated that the families are friends to this day, but that was contradicted by the mother's statement that as soon as she found out about the inappropriate touching, she stopped all contact with Dr. Gregor and his wife.

A second student interviewed mentioned that Dr. Gregor had offered to buy her a cell phone, as well, but that her mother refused permission. Contrary to Dr. Gregor's statement about not calling students, the mother of the second child I interviewed stated that his phone calls even became annoying. She estimated that he would call up to twenty times a day and when the mother questioned the frequency of the calls, he offered to buy a cell phone for the student.

Inappropriate Invitations to go to his house

The parents I interviewed all reported that Dr. Gregor invited their children to go over to his house for parties and to spend the night. Only the student who was reportedly a family friend actually did spend the night, but the three parents I talked to indicated that Dr. Gregor made multiple invitations for their children to go to his house. The student who went to his house claims that he asked her what she would be wearing and what she wanted him to wear. Dr. Gregor denies those claims.

Dr. Gregor could not recall inviting any students to his house, but that it was possible that his wife invited kids over. He stated that the only family he could recall as spending time at his house was the one identified earlier as family friends, for whom he had purchased a phone. To his recollection, the sleep over occurred outside the school year and that it occurred during the girls fifth grade year, so she was no longer his student at the time. Dr. Gregor stated that it wasn't inappropriate for the girl to stay at his house because she was no longer his student. He stated that early in his teaching career in Utah it was very common for teachers and students to have activities together, but they should be very careful about things like that. The student interviewed stated that nothing inappropriate occurred during the sleep-over. She said she stayed close to his wife and her young siblings the entire time. The inappropriate touching, she stated, occurred in Dr. Gregor's classroom.

Summary

My recommendation to the Superintendent is to not hire Dr. Gregor as a teacher in the District because information obtained during the internal investigation substantiated the allegations of ethical misconduct and inappropriate behavior involving students. A copy of this report, along with a summary of witness statements needs to be forwarded to the Public Education Department with an updated Ethical Misconduct Reporting Form for purposes of consideration regarding his licensure.

Note: A termination notice was delivered to Dr. Gregor on Friday, May 14, 2010 at 4:00 p.m. notifying him that his employment with the Espanola School District would not be renewed for the 2010-2011 school year.

Ethical Misconduct Reporting Form submitted 5/16/10
 PED - copy of personnel file sent 5/21
 Resignation received 5/26/10
 Verification of employment June 2, 2010

(Jan. 10, 2005 - May 26, 2010)
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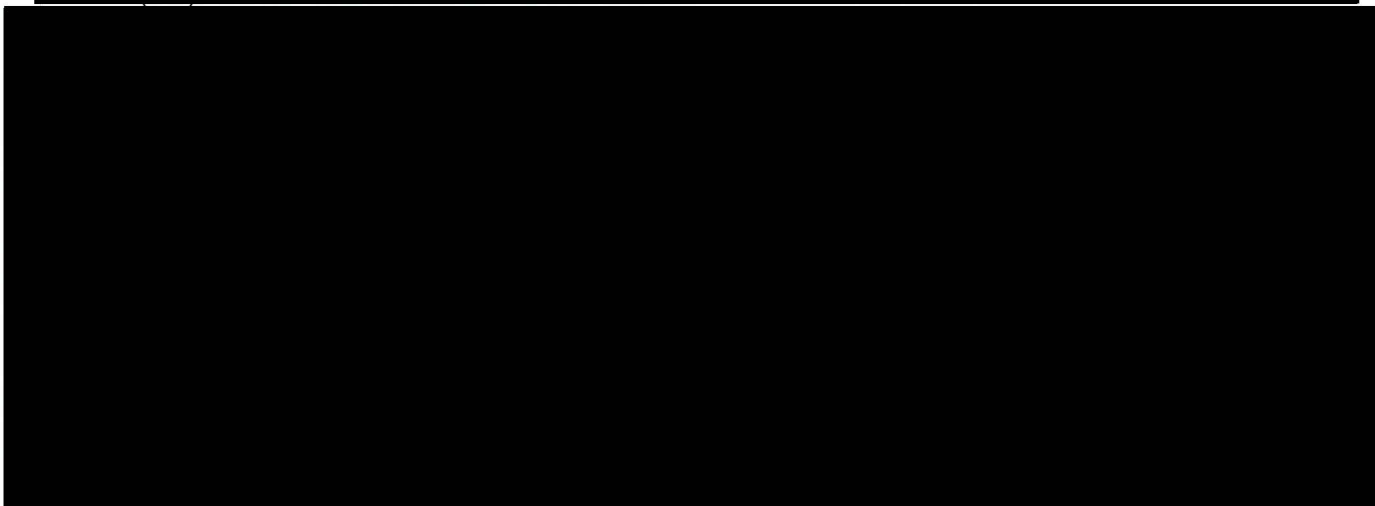
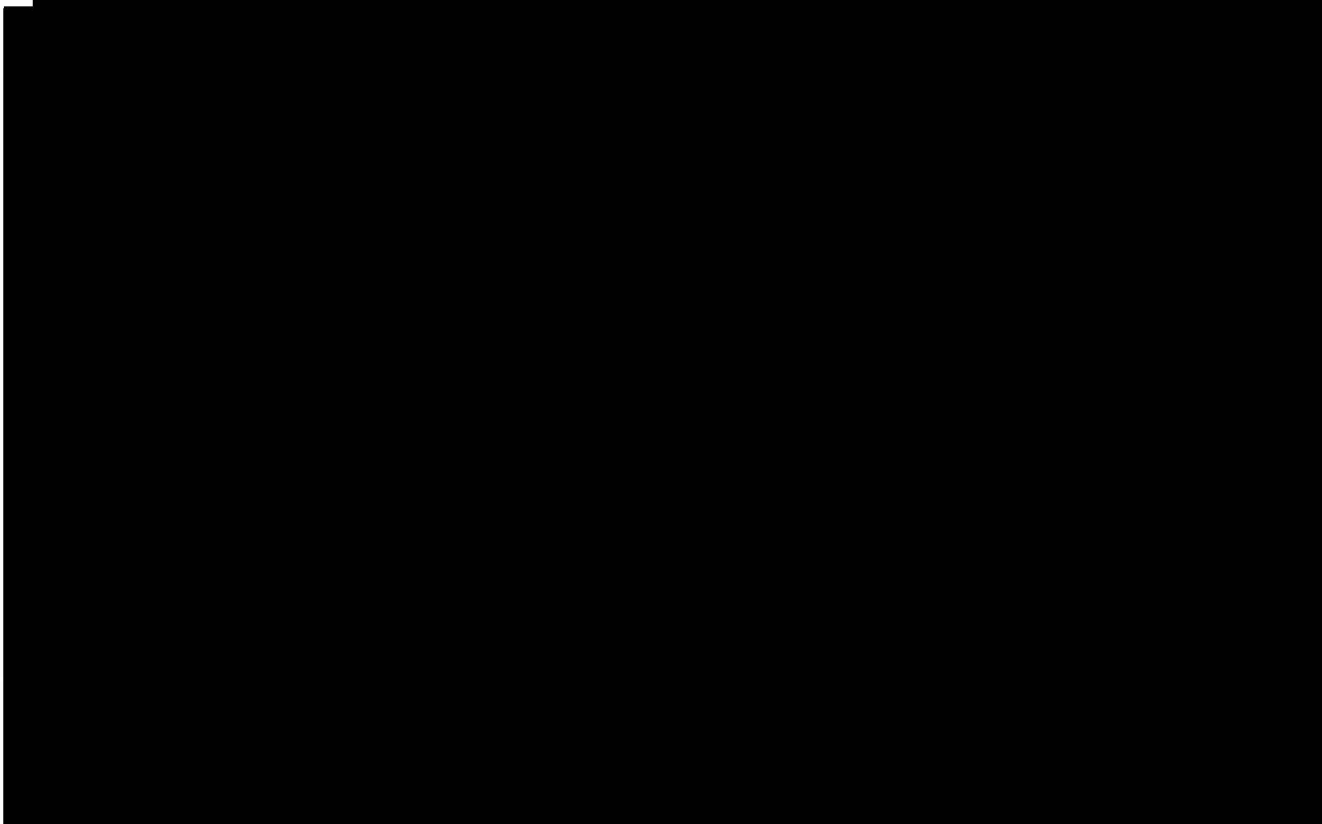
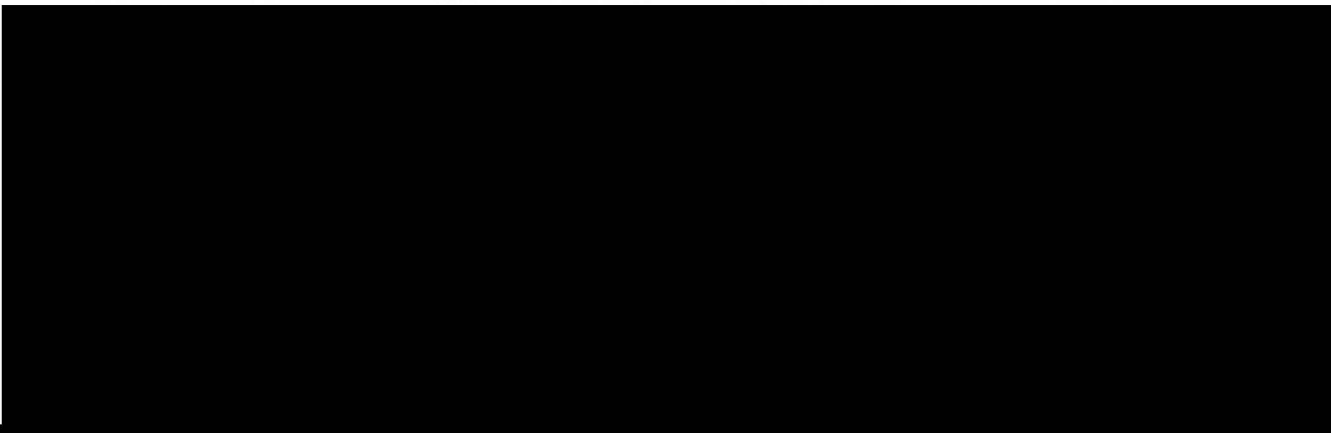
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 5th 08-09
 6th 09-10 *
 7th 10-11

Judith: 4/21/08
 sub custodian
 3/5/09 sub teacher

Gary Gregor Investigation**[REDACTED] Interview Transcripts****May 13, 2010**

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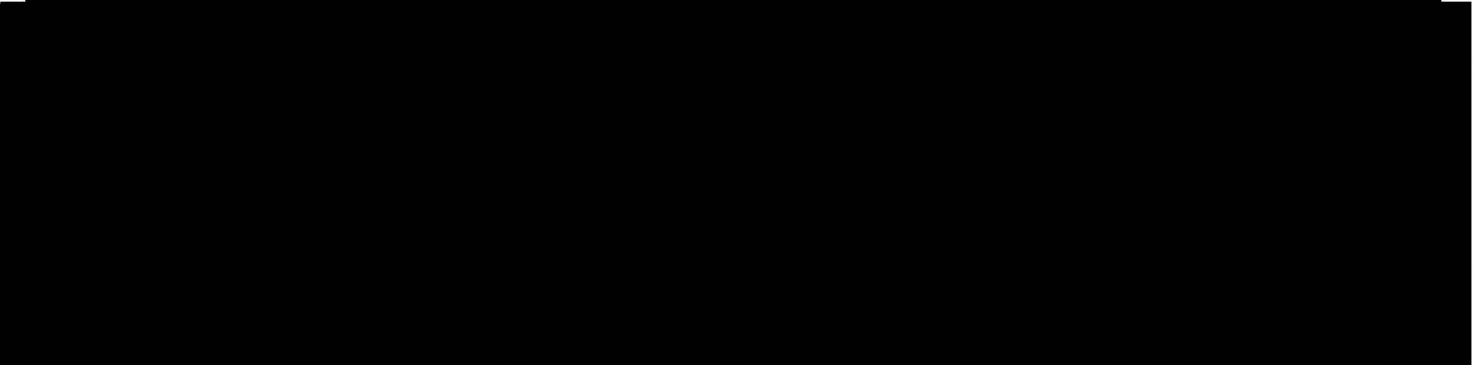
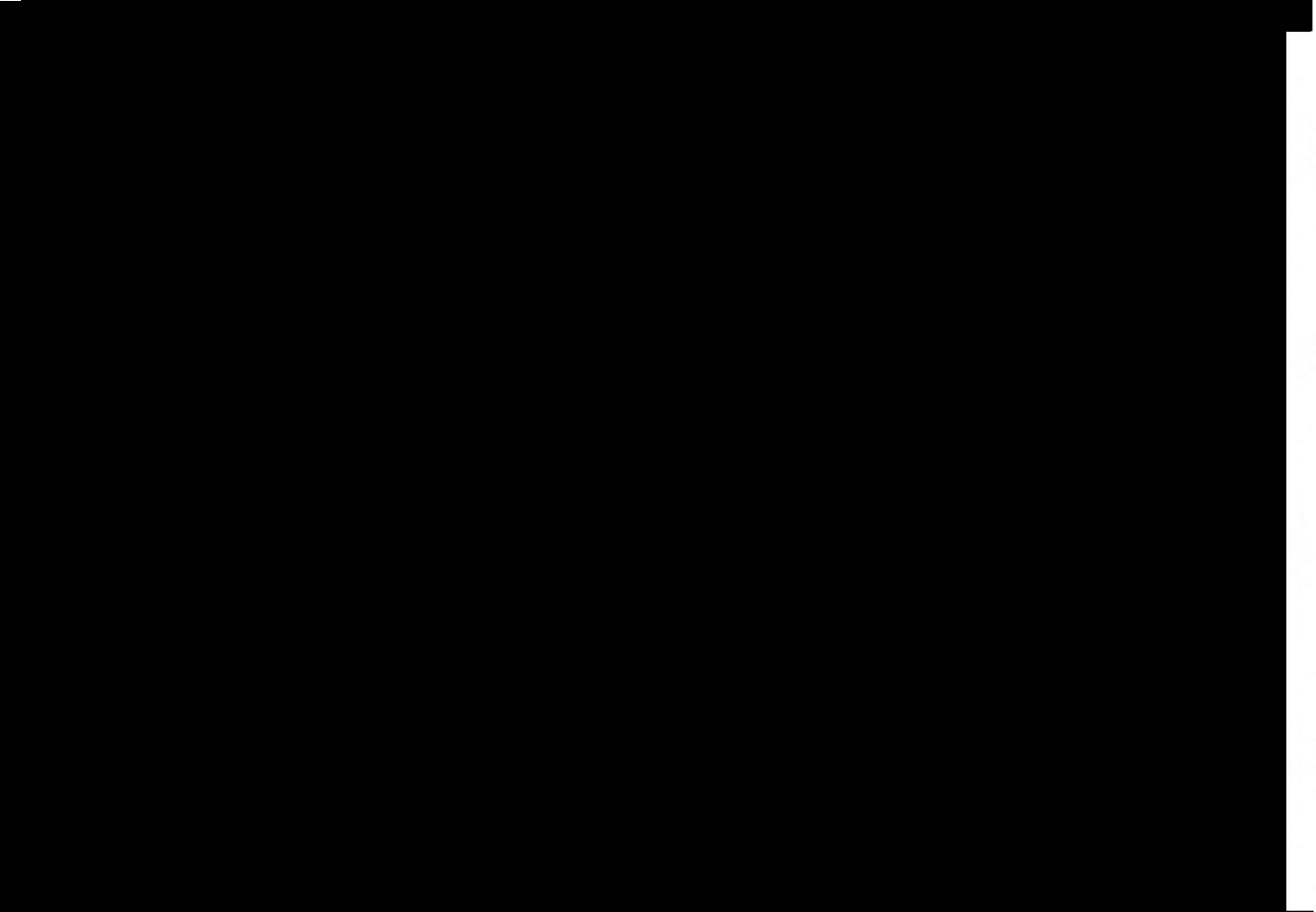
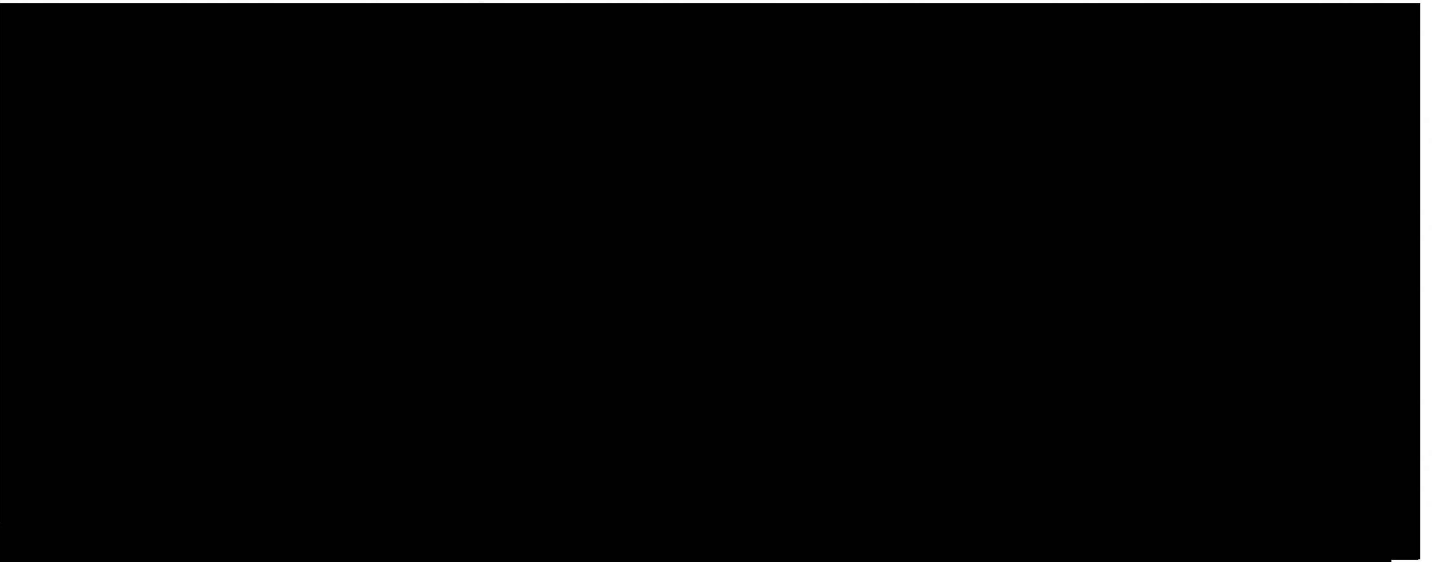
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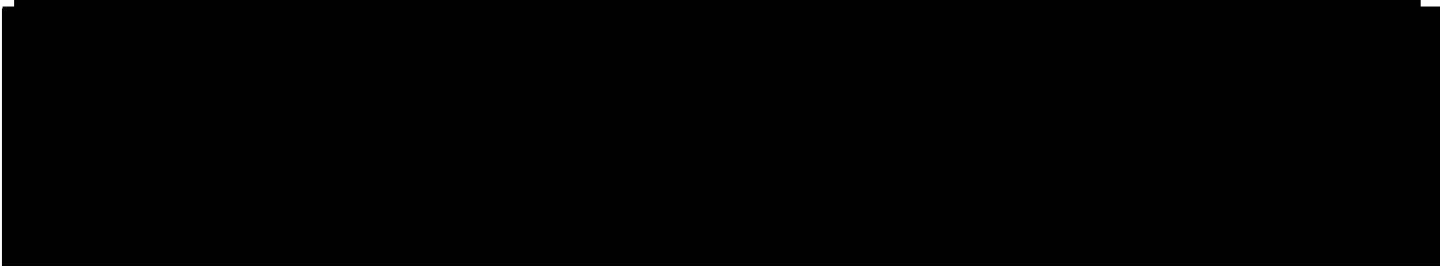
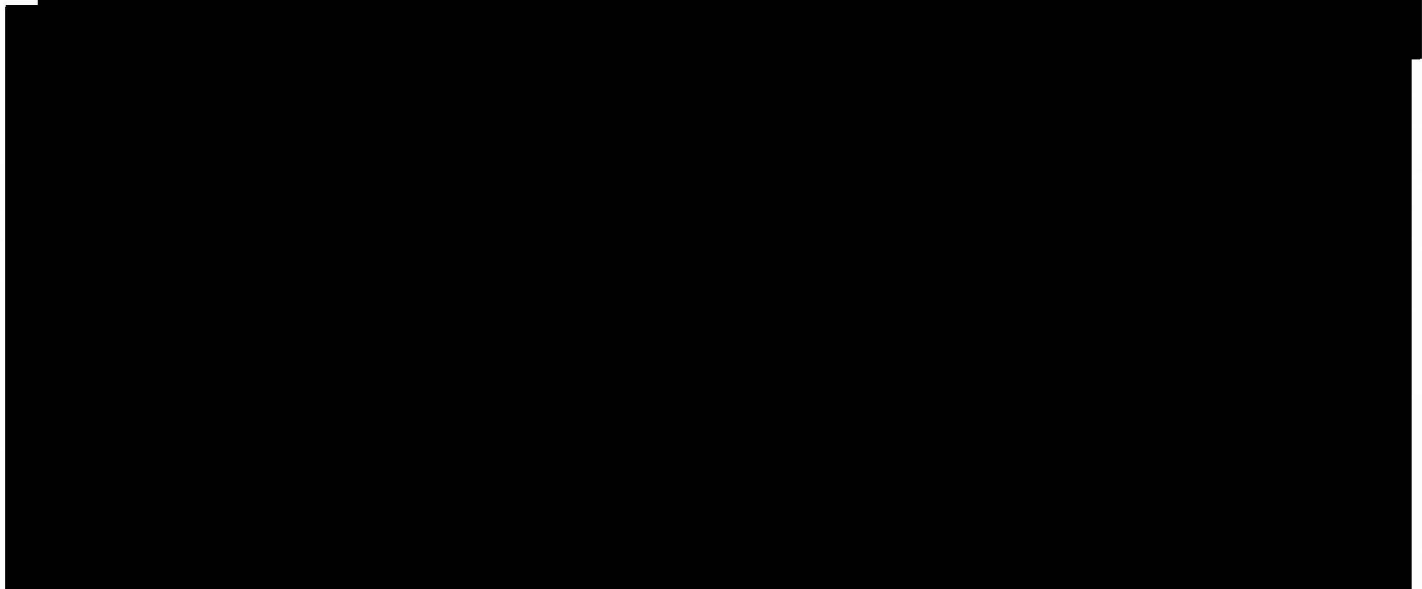
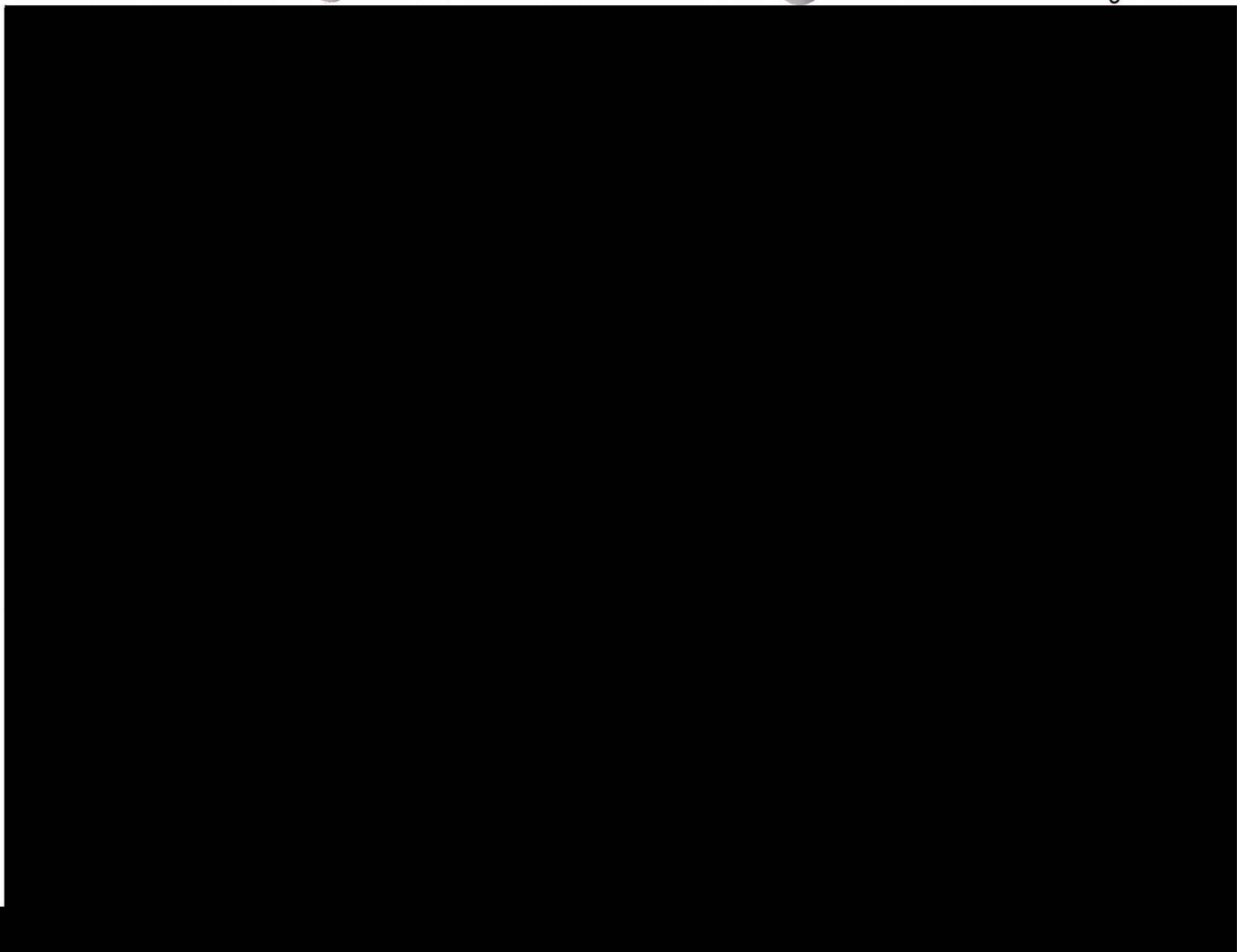
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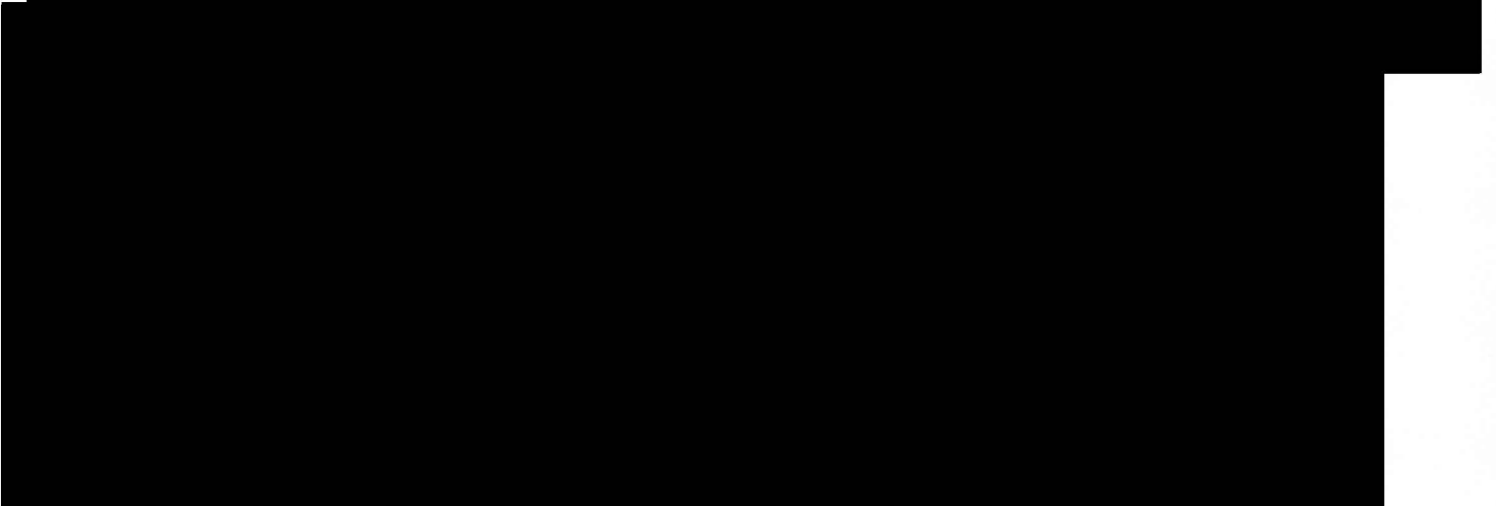
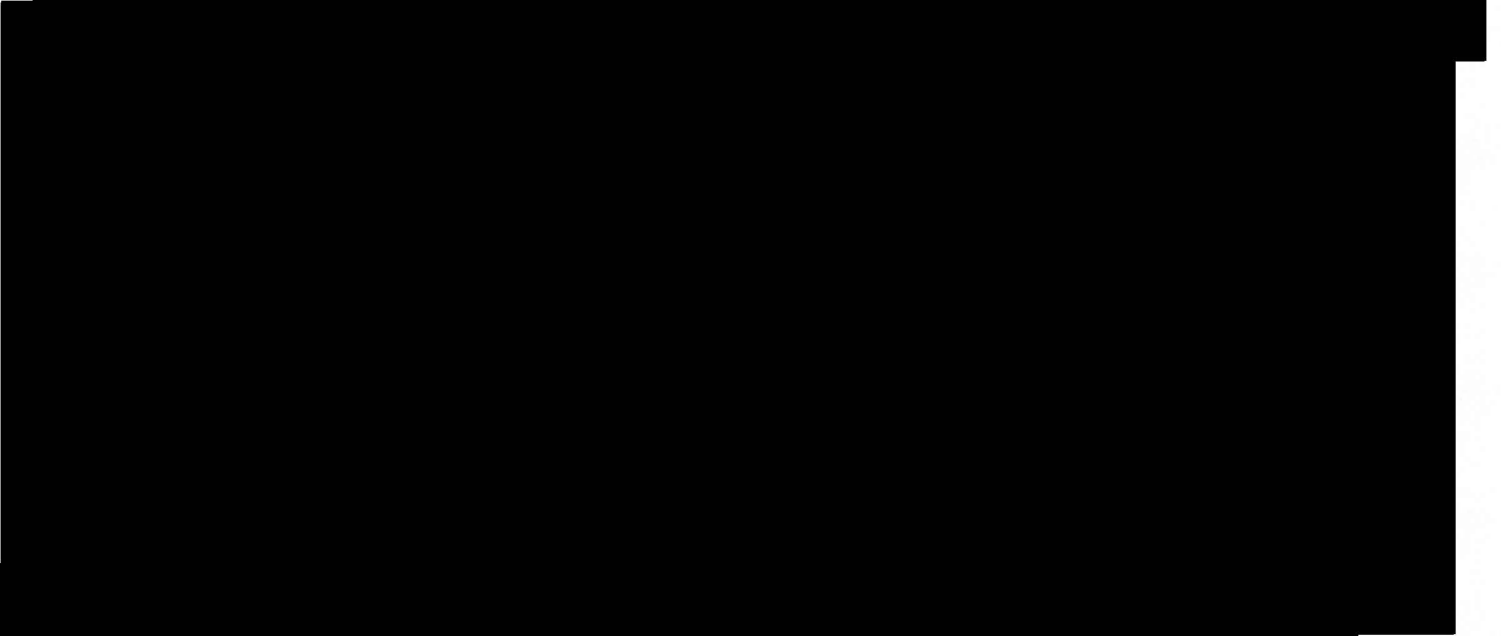
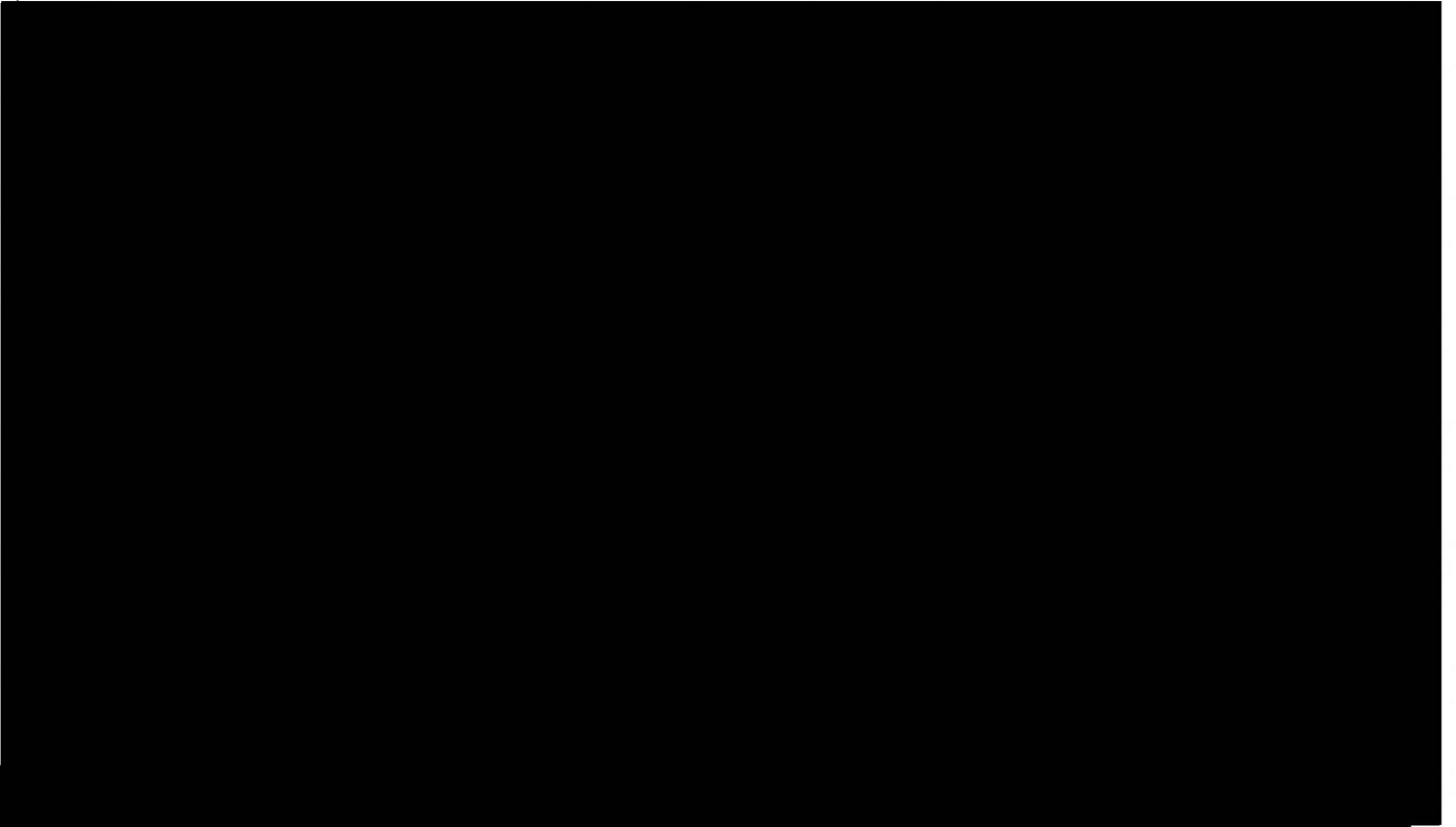
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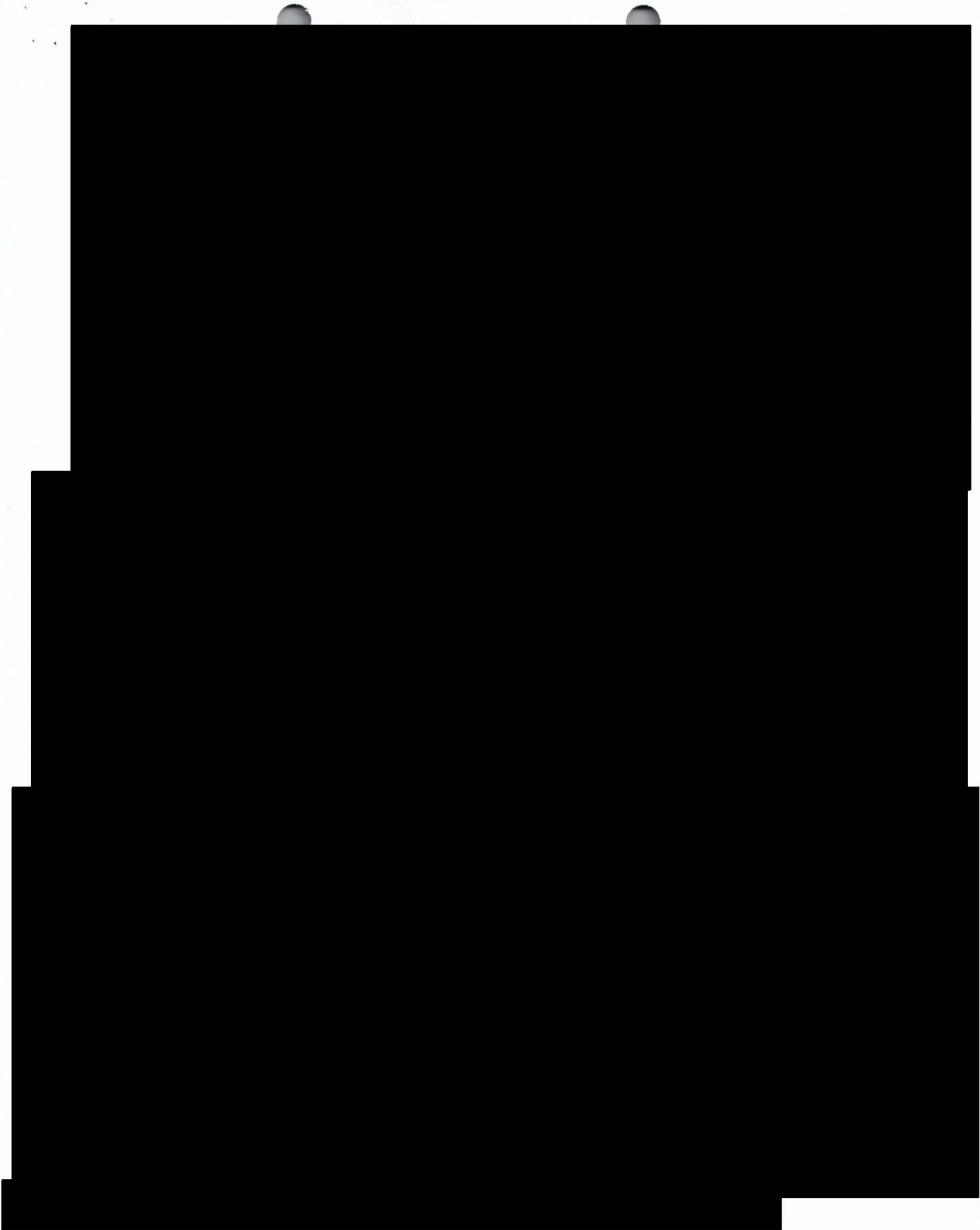
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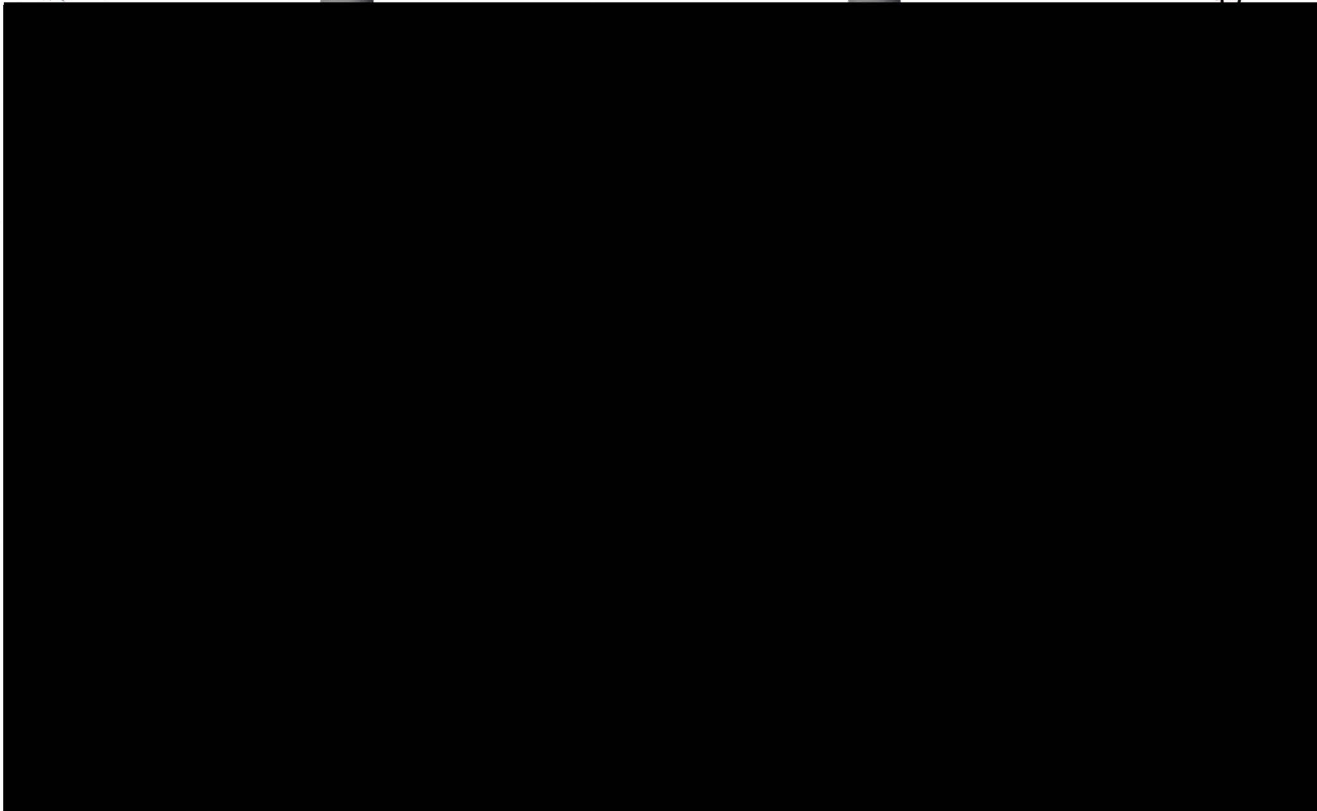
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Gary Gregor Investigation
Veronica Dean Interview Transcripts
May 13, 2010

(FT): *Hello, Ms. Dean, this is Dr. Trujillo from HR. I'm sorry to bother you. I know you are on approved leave, but I'm doing an internal investigation involving one of the teachers at E.T. Salazar and I was made aware that you might have some knowledge of the case. Specifically, I'm looking into the case of Dr. Gary Gregor.*

(VD): Oh, uh-huh.

(FT): *I was told that you are not only a colleague of his at this school, but that you also live nearby?*

(VD): Yeah, I do. He lives right down the road from me.

(FT): *O.k. If you don't mind, I'd like to ask you a couple of questions.*

(VD): Oh, no. That's fine.

(FT): *Are you aware of the case pending against him or the reason he's on administrative leave?*

(VD): A little bit. Only from what I've heard. Not really any facts, just hearsay or backup, I guess.

(FT): *What is your knowledge of that case?*

(VD): That... Well, I've heard two different things. I've heard that he was inappropriate with a couple of the students by touching them physically and then I've heard that he was more like a sexual verbal harassment with a couple of the students.

(FT): *Did you ever personally witness him doing that?*

(VD): I never witnessed him doing *that*, but I witnessed things that I thought kind of crossed the line for a teacher. By that I mean like keeping in certain students to play games for lunch or giving them his personal home number or cell phone number to call him. But it never looked to me like the kids were uncomfortable with it. It was like they responded to him and, like, "Oh, I called you last night." Or, you know? He would make comments like that and I always felt like that was a little inappropriate. For a grown man to give his number to students, to children in fourth grade. When we worked as partners in second grade, and that was a few years ago when I was in the classroom, he would keep kids in to play games at lunch. I always that was... it made me uncomfortable. But in the times that I was in his classroom like as a proctor during testing time, I never saw him do those kinds of things. The phone calls and stuff like that I thought were a little strange, but as far as him touching or making comments, I never saw or heard anything.

(FT): *Did you ever see him giving gifts to students?*

(VD): I never saw him give any gifts, other than like gum... the usual rewards that we give the kids, but I never saw him give anything else.

(FT): *You're not aware that he gave students teddy bears or cell phones?*

(VD): No.

(FT): *As his neighbor, did you ever see students at his house after school or sleepovers or anything like that?*

(VD): I never saw... We live close by but I never saw students there. But when I was proctoring in his classroom, he did talk with the students about "When Judith comes". It was more like before his wife came, they were like making plans for "When Judith comes, you guys can come over for dinner." He would say stuff like that. I never heard him say, "You can come over tomorrow" when he was alone. He would say, "When Judith comes." Because she wasn't hear yet. She came from the Philippines and I think his wife was like 16 or 17 when they got married. He would bring his wife to school every day. Mrs. Montoya asked him not to bring her. If she was going to volunteer, she should volunteer in other parts of the school. But originally she was there every day. Eventually she started subbing there.

(FT): *Is there anything else you might add that could aid our investigation?*

(VD): Well, I don't know how far back you're investigating, but now that I was working in Mountain View, you know he used to teach there. And a lot of the staff there were very uncomfortable with his relationship with one particular student. And I'm thinking that he might have even lived with the family, or rented a room from the family or something. And I think that staff was very uncomfortable with what they saw with the one student. But, in my presence, I never saw him touch or say inappropriate things. But some of the things that took place like, "Oh, call me," or "I called you," or stuff like that, I thought was inappropriate, you know? Of course it's wonderful to have a good relationship with your students, but on a professional level. I thought that was somewhat inappropriate of having your kids call you at home and stuff like that.

(FT): Two follow-up questions. Who was the Principal at Mt. View at the time this was going on?

(VD): Oh, I'm not sure. I don't know. Now it was Grace and before that, I don't know if it was Mr. Aguilar who was the Principal at that time. I'm not sure.

(FT): When was it that you taught over there?

(VD): Huh?

(FT): *When was it that you taught over there?*

(VD): When I taught?

(FT): *Yeah, in Mt. View. Or when he was in Mt. View?*

(VD): Oh, I wasn't there at that time. I've always been at Fairview. But now for the last two years I've been going to Mt. View once a week to overlook the librarian there 'cause I'm certified and I go over there once a week and they would talk about him there. And the little girl's name was Angela Toraco or a name like that. And they would say, the staff members would say, "Oh, that guy, he's a pervert. He would have that little girl on his lap and she controlled the class." You know? But then again, I didn't see that, but apparently they did.

(FT): *And, again, as his neighbor, you never saw students there after school?*

(VD): No. I never saw anybody at his house.

(FT): *O.k., let me ask you one last question, as a parent, if you had a student that would be going to his grade, would you want your child to be in his class?*

(VD): That's a hard one. I would say no. Only because, like I've told Mrs. Montoya, if it was any other students, I might have reason to doubt the students only because I thought they liked him, the kids liked him, he was nice to them. You know? It was always...even the roughest of kids, he seemed to have good rapport with. So, in what I've seen in that sense, I would say yeah, he's a nice teacher. But. But, with the kids that I'm aware of that have made the accusations, I find it very hard not to believe those kids because those little girls are wonderful, good, just well-behaved kids and one of them was my student and I would never doubt her for a minute.

(FT): *We're talking about the credibility of the students who have made the allegations, do you care to share names of those students to see if they match up with the names I have?*

(VD): Well the ones that I am aware of, only because the kids have said, are Nallele Hernandez, and Virginia Sustatia, and then I've also heard of Jasmine Gonzales, but that took place a few years ago. That was one of the students that he would keep in like at lunch time to play games or whatever.

But I really respect those little girls. Like Nallele and especially Virginia, if it wasn't them, I might have said, "Hmm, maybe not." You know? But I really can't find it in myself to even second-guess those girls. And I feel really bad, because I like Dr. Gregor, you know, as a person and colleague, but I don't agree with some of the practices and I cannot sit here and tell you that some of what I've seen hasn't made me uncomfortable.

(FT): *I appreciate you taking the time to visit with me, I know you're preoccupied there with the new little one, so thank you for your time.*

(VD): O.k. No problem. You're welcome.

Gary Gregor Investigation

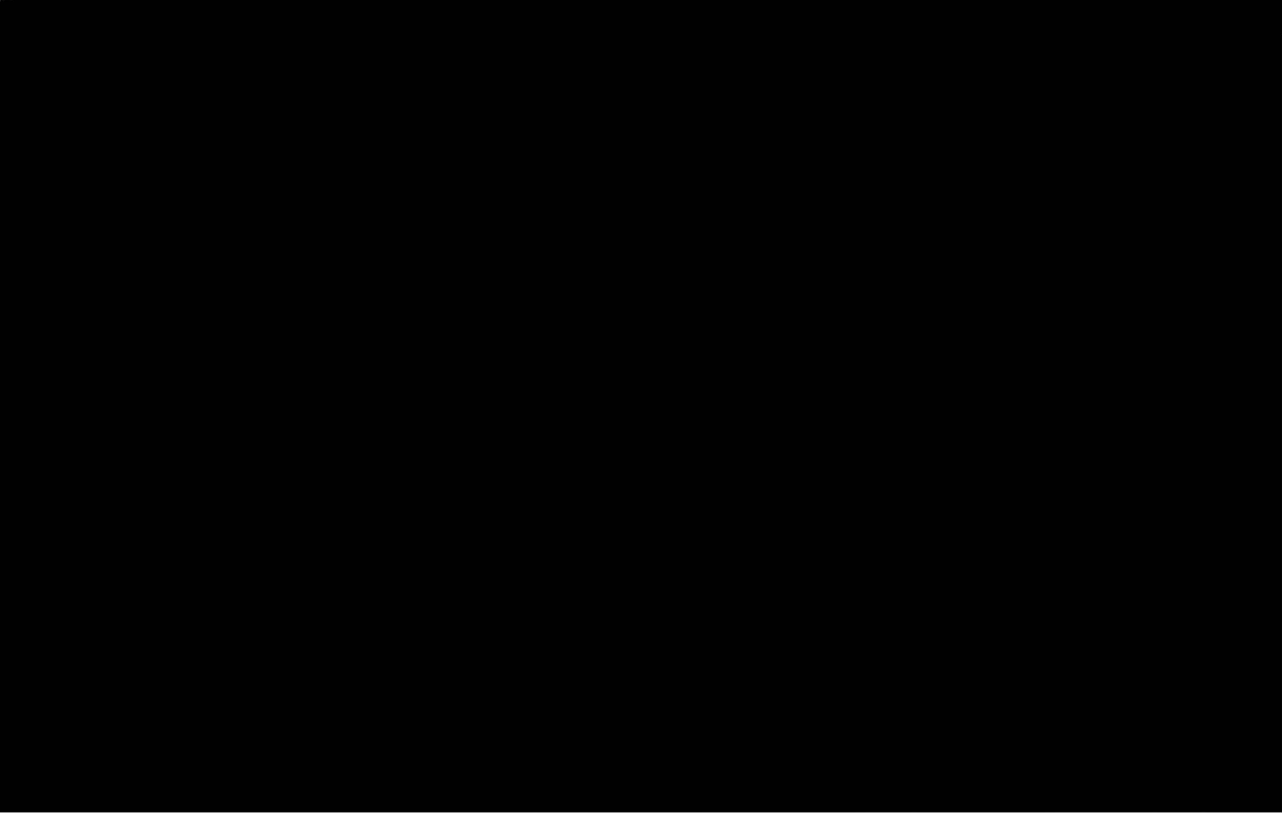
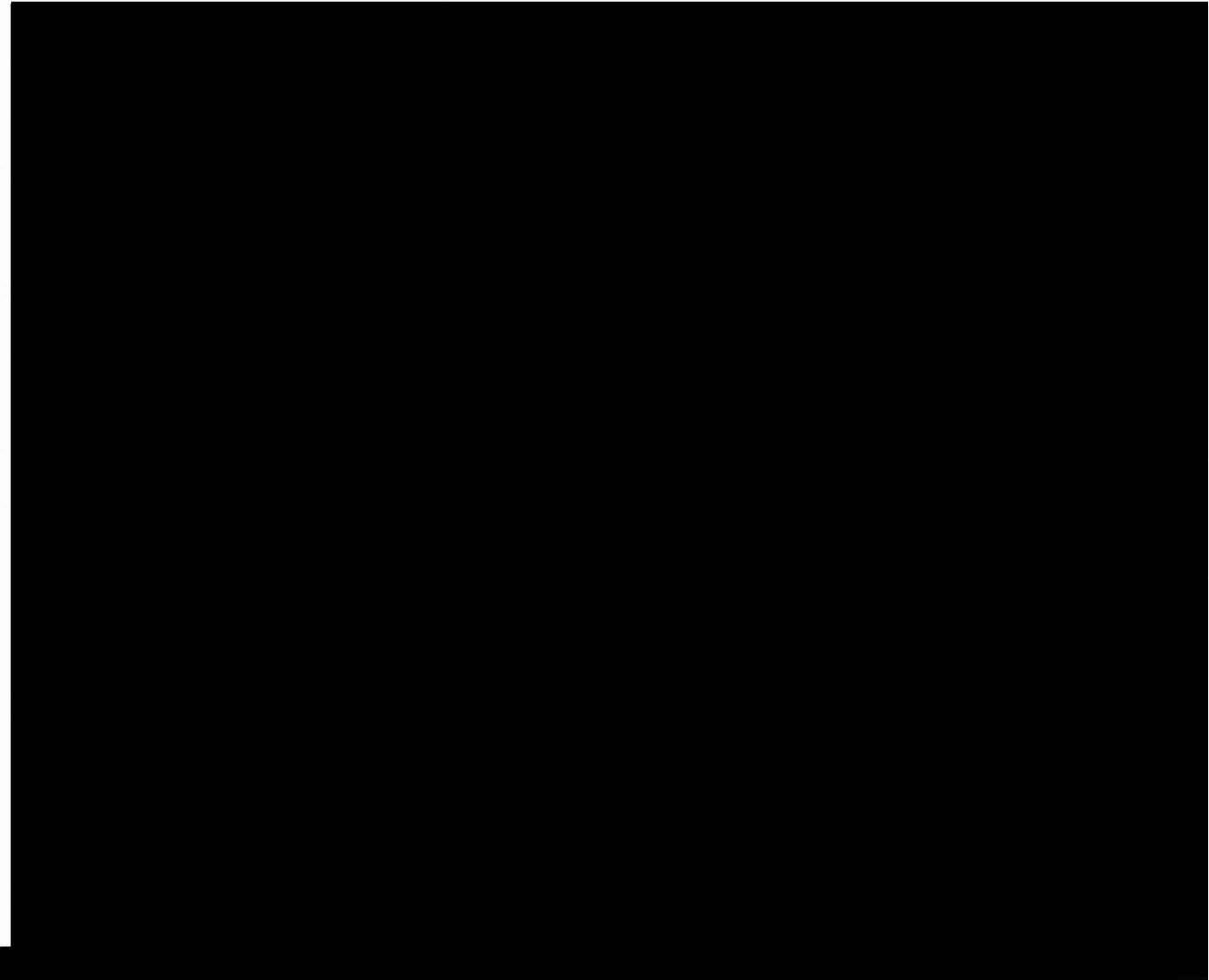
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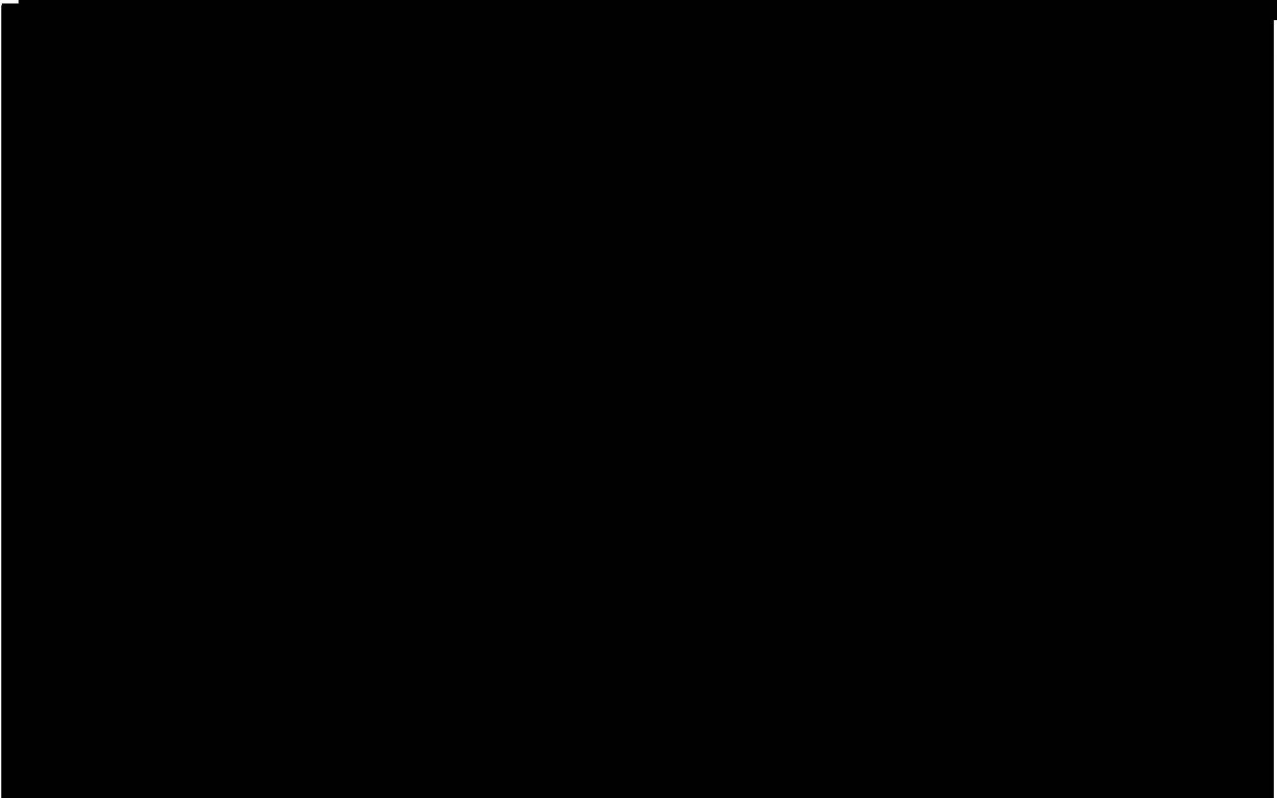
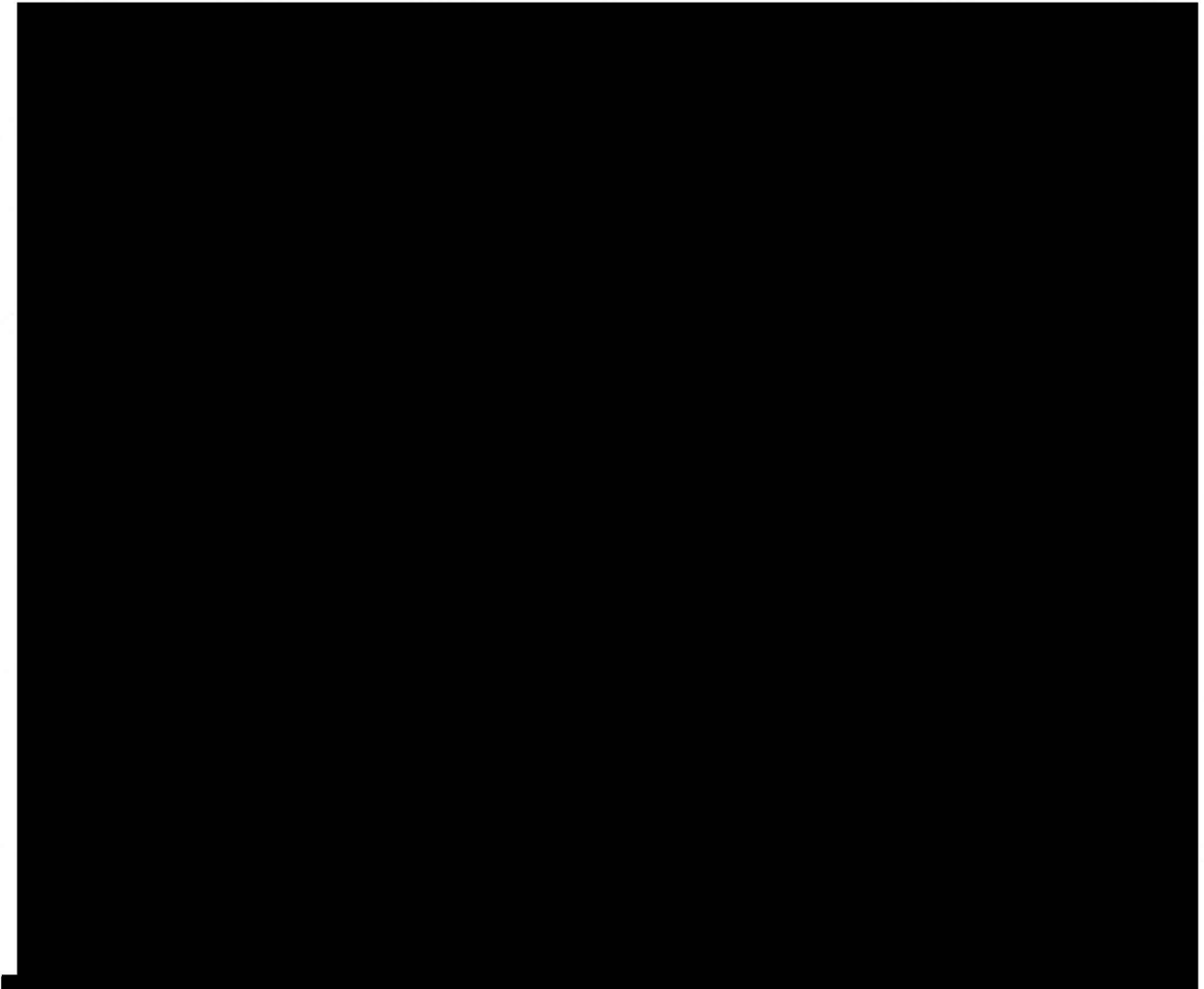
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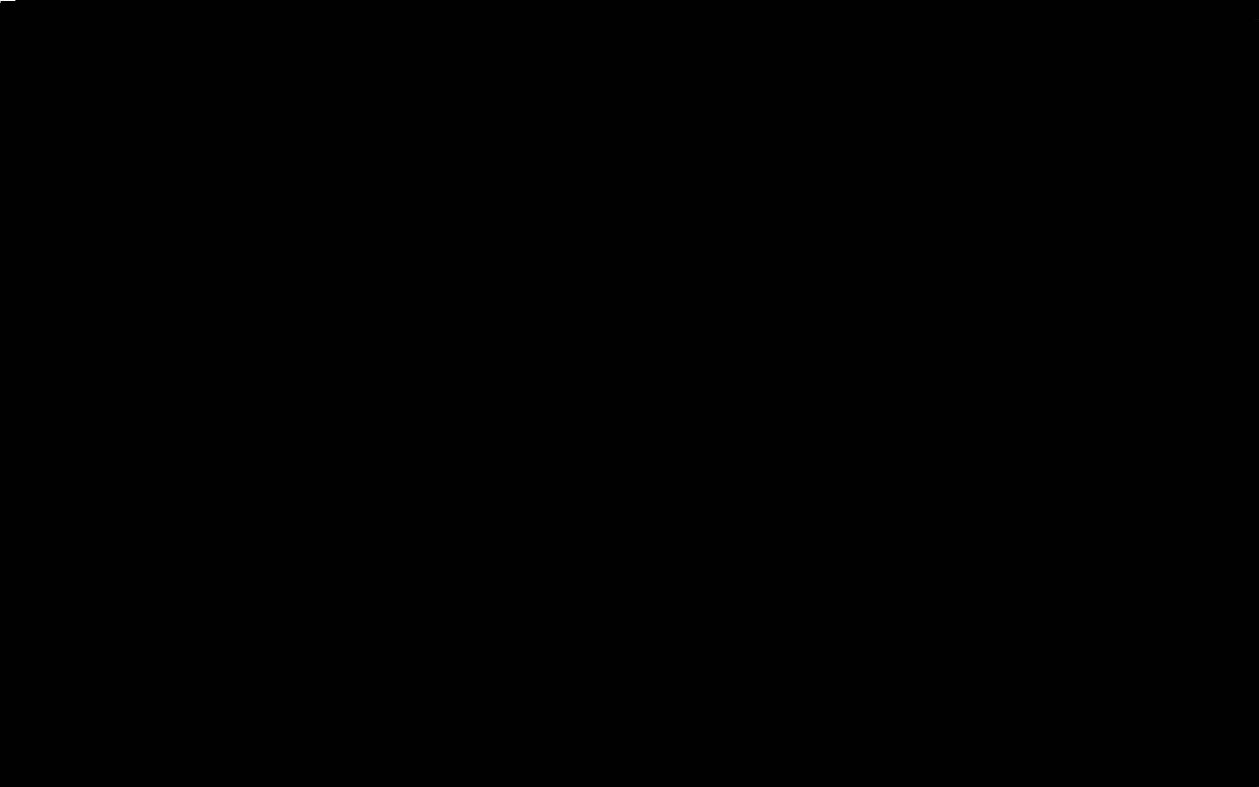
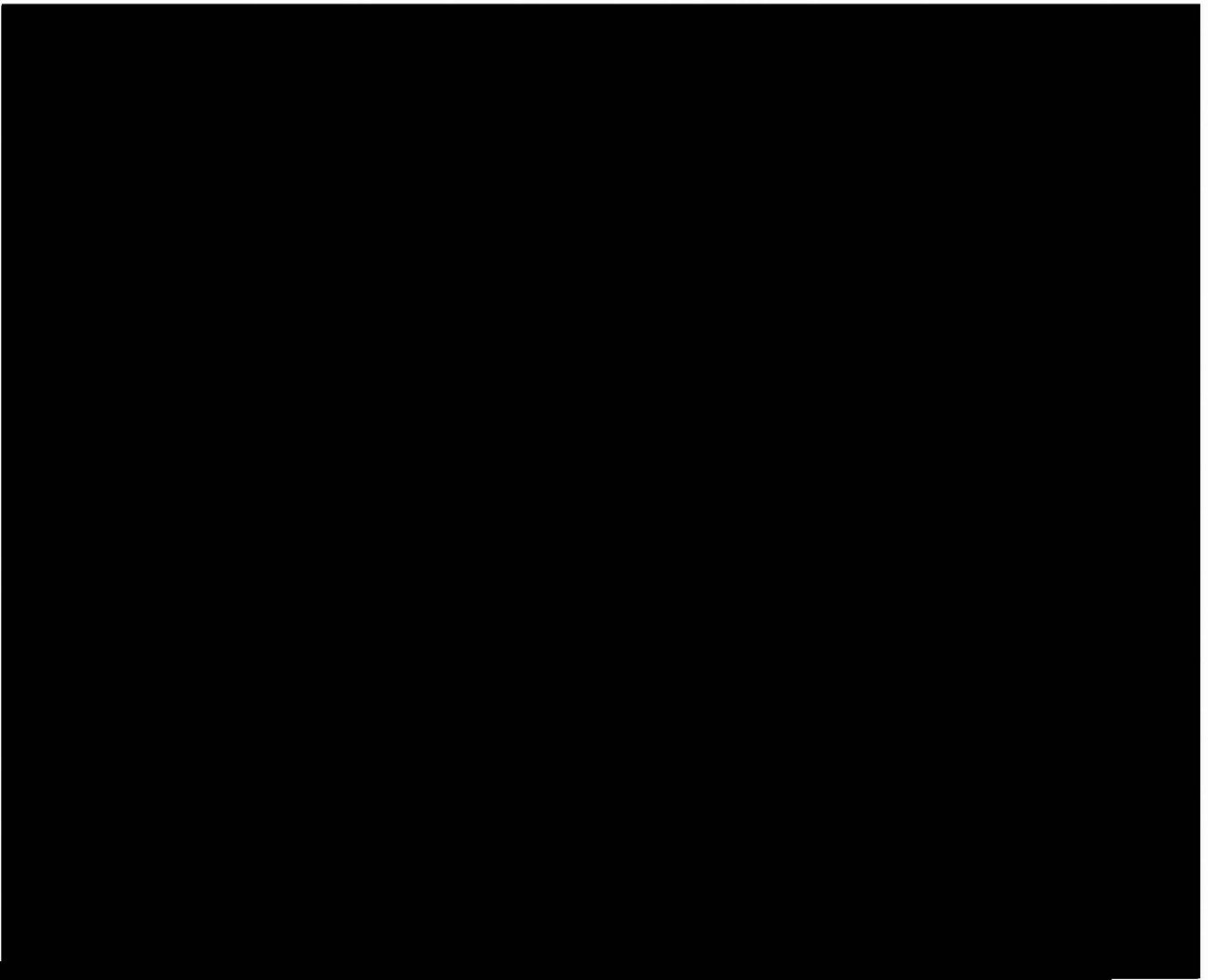
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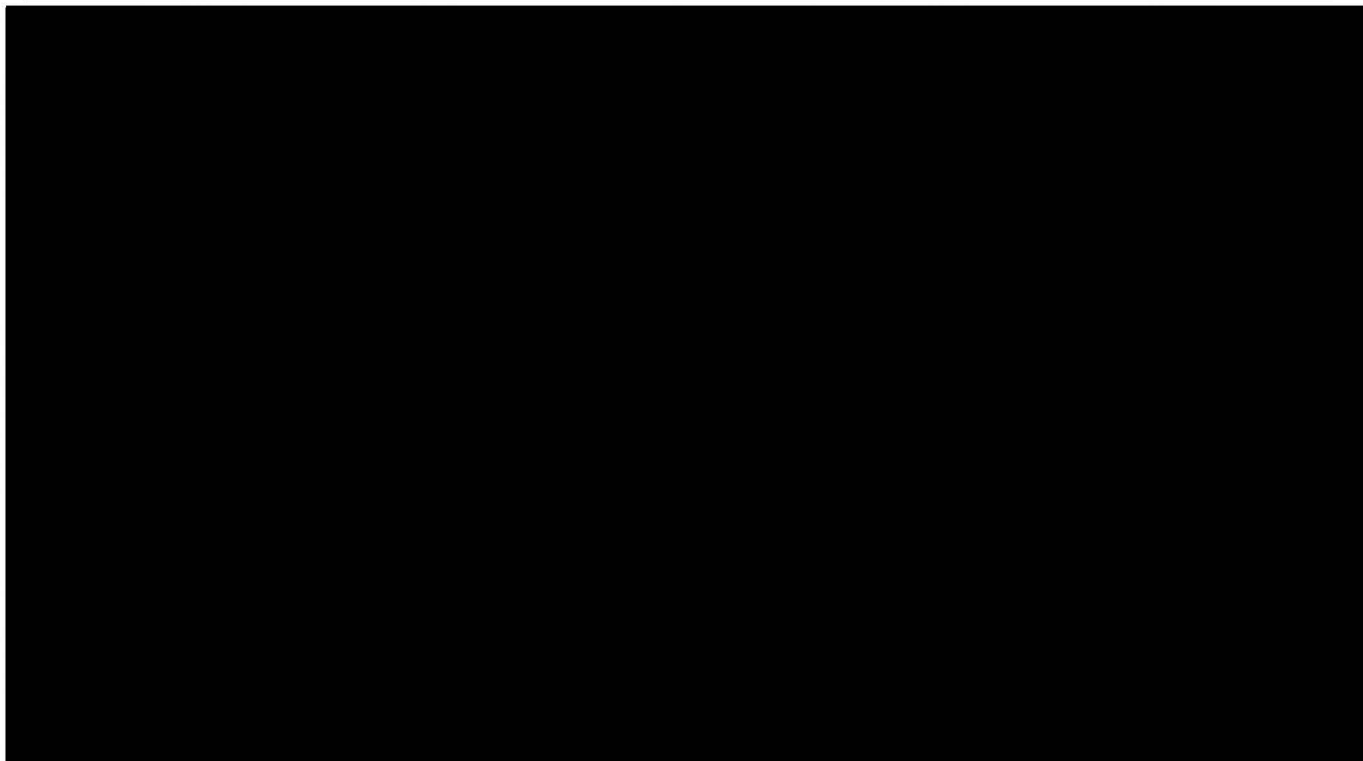
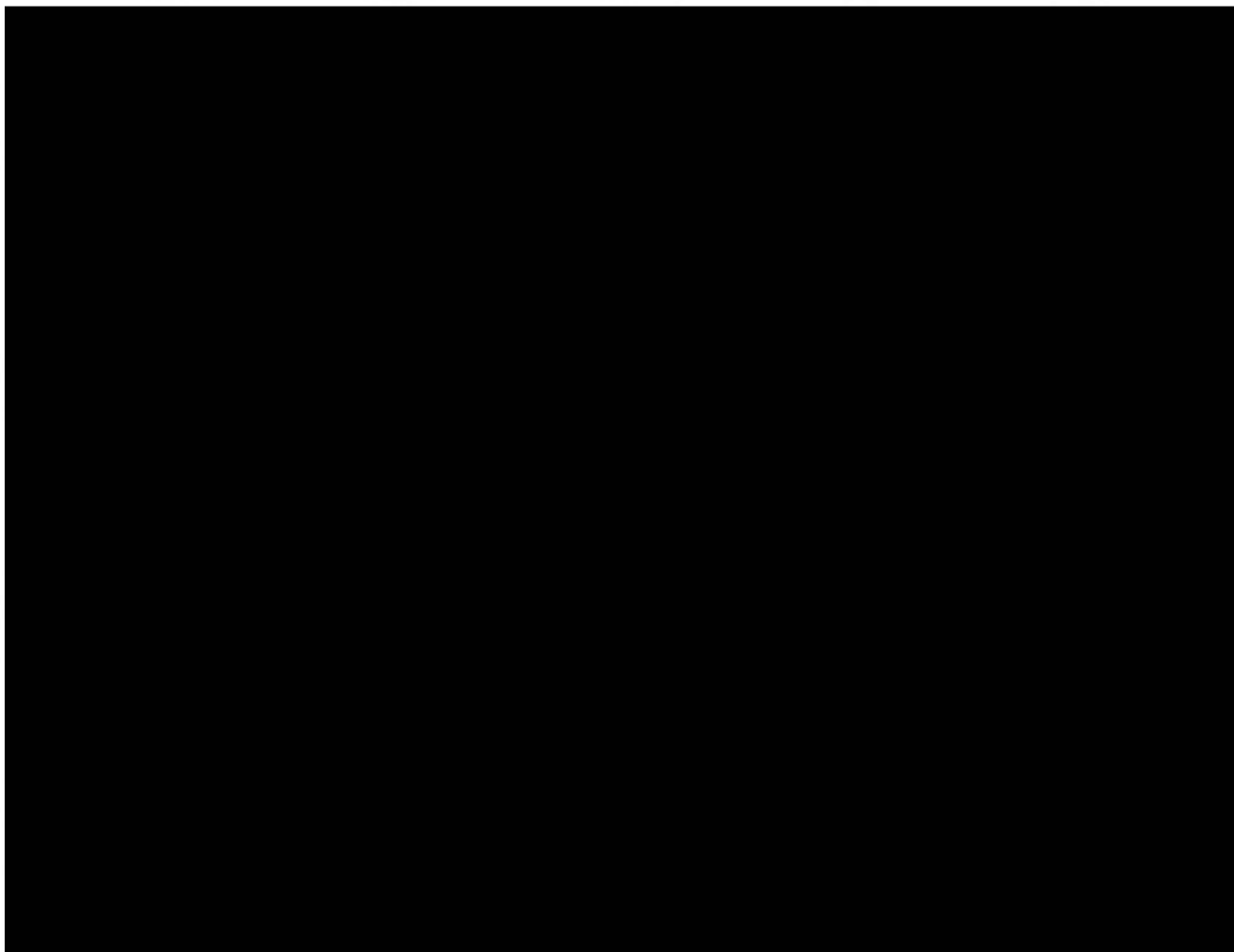
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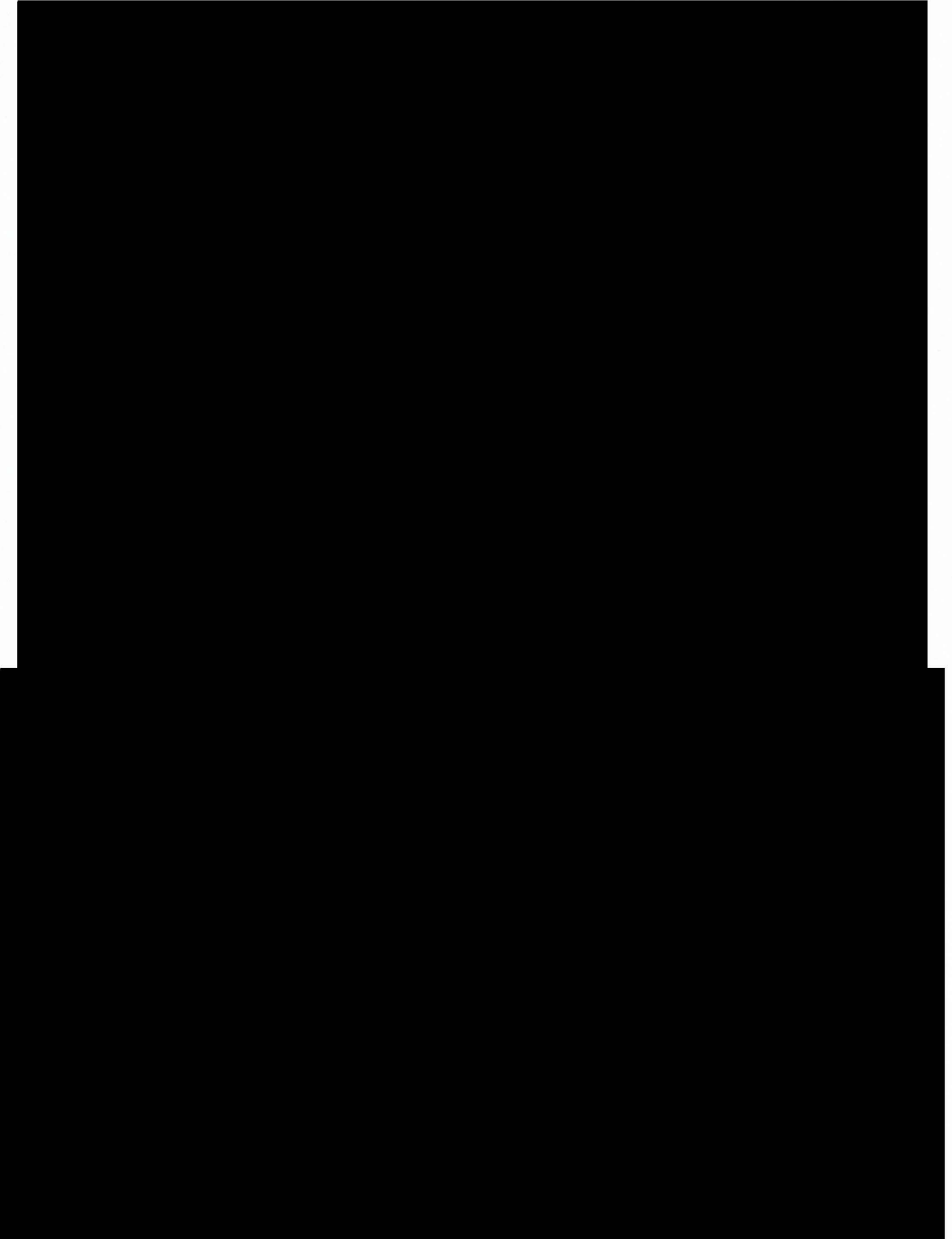
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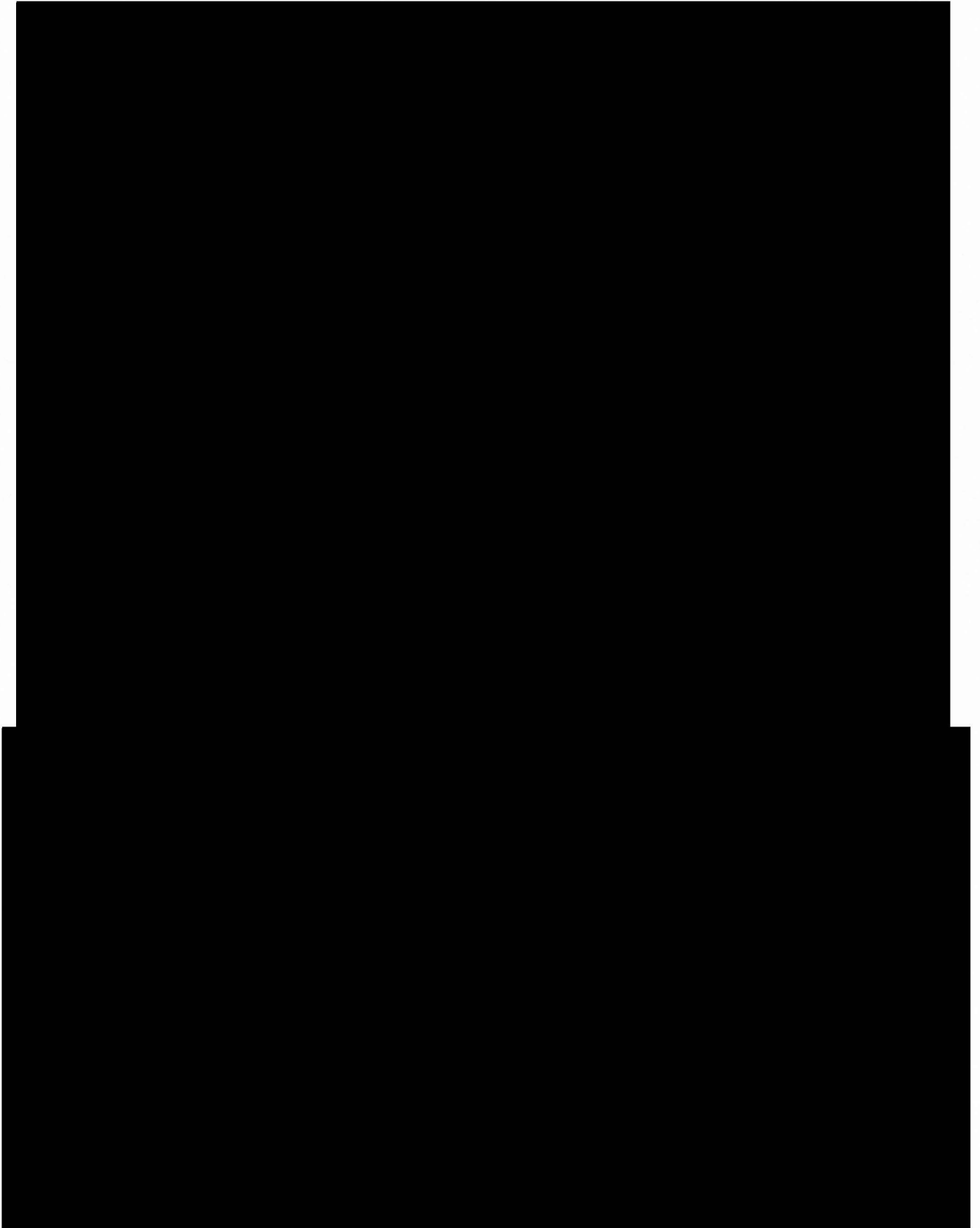












Gary Gregor Investigation**[REDACTED] Interview Transcripts****May 13, 2010**

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I Gary Gregor Investigation
Gary Gregor Interview Transcripts
Participants: Fidel Trujillo (FT); Gary Gregor (GG); Charles Goodmacher (CG)
May 13, 2010

(FT): This is a predetermination meeting with Dr. Gary Gregor, represented by the Espanola NEA, Mr. Charles Goodmacher, and I am the HR Director, Dr. Fidel Trujillo.

If you can, for the record, state your names as I have just indicated.

(CG): Charles Goodmacher, NEA New Mexico.

(GG): Dr. Gary Gregor.

(FT): Dr. Gregor, you were provided written notification of this meeting, correct?

(GG): Correct.

(FT): And you agreed to the date and time, and to have the NEA representing you?

(GG): Yes.

(FT): So, the questions that I ask, should I address them to you Dr. Gregor or to Mr. Goodmacher?

(CG): It's fine if you address them to Dr. Gregor. Of course, if he has any reason to pause or to ask me, then you know, we'll (inaudible).

(FT): Sure. The purpose of this meeting is to revisit the issue of why Dr. Gregor was placed on administrative leave. We had initially received some guidance as to letting the investigation conducted by the police take its course, but we have decided that we needed to have our own investigation apart from that because, as you know, that has taken a long time and we still have no indication of the status. So, we're conducting our own investigation and this is an opportunity to respond to the allegations and give your perspective on the matter.

I'd just like to begin by asking you what your understanding is of why you were placed on administrative leave by Dr. Cockerham.

(GG): The only thing I know is its in the category of inappropriate conduct.

(FT): Inappropriate conduct? There's no specificity beyond that?

(GG): No.

(FT): *Were you ever party to an investigation by the police? Did you ever give a statement to the authorities?*

(GG): No, I never did.

(FT): *You did not?*

(GG): No.

(FT): *All right. A lot of the information that has been provided to us was also vague and general so the internal investigation that has commenced and is ongoing has resulted in some information that has come forth. I want to present that to you and allow you to respond to the allegations.*

Principally, there are some allegations of inappropriate physical contact with students at E.T. Salazar. Are you aware of that, or does that provide any context for you in terms of what this case might involve?

(GG): No.

(FT): *None at all? O.k. There are some charges that you inappropriately touched some female students in your classroom and... I guess I'll ask you point blank, have you or did you ever inappropriately touch students in your classroom?*

(GG): No I didn't. I would also like to say that during that year, I had another adult in there with me at all times.

(FT): *Who was the other adult?*

(GG): My Grandmother, Connie... I don't remember her last name. She is actually still in my classroom, 'cause it's still my classroom. And I want you to know that you're free to talk to her at any time as far as I'm concerned.

(CG): Just to be clear, when you say "grandmother" you're talking about a classroom grandmother...

(GG): Yeah. Right, right, right.

(FT): *And you said her name is Connie?*

(GG): Right.

(FT): *There are two other principal allegations. To recap, there are three. One is the inappropriate physical contact. One is providing gifts to students, also characterized by the people I've spoken to as inappropriate. And the third one is unsolicited invitations by*

you for students to go over to your house. And so, those are the three major things I'd like to visit with you about today.

The allegation was made that you had a system in place where elected class officers would sit at or near your desk. Is that true?

(GG): Actually, I had a table that I sat at and I corrected papers and things like that. Umm, I think it was a long table like this. I think I probably would let the class presidency sit at the...they might be here or they might be over here. It was a long table, it wasn't like if they were sitting right next to me.

(FT): *How often were class officers rotated?*

(GG): Umm, I did it pretty frequently. I think I had an election like every three weeks or something like that.

(FT): *O.k. And so whoever was elected would then get to sit at your table?*

(GG): Right.

(FT): *O.k. Was it typically the same person being elected as a class officer?*

(GG): I... Not necessarily.

(FT): *No? So it would change...*

(GG): I mean, it would be whoever the students thought, you know, in that three week period, they thought they would go on, you know, as head of the class.

(FT): *What other material rewards – in addition to being able to sit by the teacher – what other perks were there for students?*

(GG): Umm, I, I... stuff that I might find around the house, that I would normally throw away, I might give to them. Instead of throwing it away, I might give to them. Nothing that I would go out and purchase or anything like that.

(FT): *With the students sitting at or near your desk, were they ever asked to stay in for breaks?*

(GG): No, in fact, I always went out to recess with them. Well, any breaks that my students went out -- actually there was no recess after lunch, now that I recall -- I'd go with them. I'd eat lunch with them in the lunch room. I would, you know, go out with them.

(FT): *So, you would eat lunch with the students at their table in the cafeteria?*

(GG): Yeah. In the cafeteria, I would eat, you know, where all the students eat.

(FT): *Do other teachers do that?*

(GG): Probably not, but I've done that my whole teaching career.

(FT): *So you wouldn't eat in the teacher's lounge or with your colleagues?*

(GG): No. I always preferred... that's a way of getting to know the students on a more informal basis, and you know?

(FT): *One of the things that has come up on the topic of gift giving, were those token rewards for behavior, grades, as well as being a class officer?*

(GG): I can't remember. Umm. I can't remember exactly, ok. My wife was in there quite a few days with me. You know, she knows everything I did, you know?

(FT): *So your wife, was she associated with the District?*

(GG): No. No. Umm, I had her in there like helping. Maybe she'd be correcting papers or helping students until somebody registered a complaint that I had my wife in there, in my classroom helping me. And then she didn't come anymore.

(FT): *Was she a volunteer?*

(GG): Yeah, like a volunteer.

(FT): *And did she go through the proper background checks and all that?*

(GG): No, I didn't know she had to. I was not aware of that.

(FT): *Were you ever approached by the site administrator, Principal Ruby Montoya, about any complaints or giving you directives as far as having students sitting in proximity to you in the classroom?*

(GG): Not that I recall. Because anything that Ruby Montoya would tell me, I would have done and I don't recall that.

(FT): *And the gifts or rewards... you said it was stuff around the house, did you also give them candy or soda?*

(GG): Yeah, that was part of the pay for the class officers because they did a lot of work in the classroom for me. They might get a can of pop or something like that.

(FT): *O.k. What kind of work did they do?*

(GG): Like, like paperwork type stuff, like, (pause). Well anything that I know a teacher would normally do, not grades or anything, just stuff around the classroom, straighten it up, collect papers, you know, just things like that.

(FT): *One of the gifts was a cell phone.*

(GG): Mmm-hmm.

(FT): *Do you recall ever giving a student a cell phone?*

(GG): You're talking about a particular girl that my wife basically became friends with their family. It was a whole... and, and we went and had... I don't remember the whole circumstances behind it. We did let her add a line onto ours. It was ten dollars for her to add a line onto ours. We went ahead and let her do that. I don't remember all the circumstances, I do remember that, umm, the whole family, mom and everything, was very friendly towards my wife and, in fact, my wife is definitely doing some subbing at the school and whenever they see her, "How are you doing, Judith?" You know?

(FT): *So it was a family friend, was it a relationship formed at the school or outside?*

(GG): No it wasn't formed at the school.

(FT): *Where was the friendship developed?*

(GG): Well, I can't... Umm, I can't remember exactly. Can't, can't remember exactly how it was formed. I can discuss it more with my wife. I don't remember exactly how it was formed.

(FT): *But it was with your wife and not with you?*

(GG): I would say it was more with my wife.

(FT): *O.k. And so when you purchased the cell phone, did you talk to the student's parents at all about that or how did that come about?*

(GG): Oh yeah. I mean... Yeah. The... everything was in conjunction with the mother. I really didn't purchase the cell phone. I think we got it for free and it was ten dollars to have her on the line. Ten dollars a month. I don't... We didn't purchase a cell phone.

(FT): *And for what purpose was...*

(GG): I, I... again, I don't recall.

(FT): *You don't recall why you would get a student a cell phone?*

(GG): I just remember that they were like family friends. That's all I can tell you.

(FT): *And would you communicate with the student on that cell phone.*

(GG): Umm, I would not... I never called anybody, no.

(FT): *All right. Getting back to the inappropriate contact, allegations are that you touched students on their leg and on their waistline, on their skin, and in ways that made them feel uncomfortable.*

(GG): Well that's not true.

(FT): *You never touched a student?*

(GG): No.

(FT): *Did you ever ask a student to kiss you?*

(GG): No.

(FT): *Did you ever invite students to your house?*

(GG): Umm, again, I don't recall exactly... I don't think... If any students were... The only family that I can recall that ever came over was that one family with the cell phone. Umm, I don't believe that, I don't believe that I ever invited anybody from the... in the classroom situation.

(FT): *Did you ever offer to get a cell phone for any other students besides the one that you said was a family friend?*

(GG): Not that I recall. I don't recall. I don't have no recollection of that.

(FT): *Inviting students over to your house for sleepovers or other activities, do you have any recollection of that?*

(GG): Again, that one family and, umm, that was again something with my wife and I don't think that was... I don't think that was during the school year.

(FT): *So no other students? Because I had other students say that you made the invitation and called multiple times.*

(GG): No. I never called any students. That's not true, I've never called any students.

(FT): *Now with the student who did have the cell phone, in your communication with her, did you ever ask her to wear certain things before she went over?*

(GG): Never.

(FT): *Did you ever ask her what she wanted you to wear?*

(GG): Never.

(FT): *What she wanted you to make for dinner?*

(GG): Never. Never.

(FT): *What happened with the cell phone, at what point was it discontinued?*

(GG): Umm, again you'd have to talk to my wife. I think what happened was my wife's phone stopped working and rather than having to extend her contract, umm, I think my wife asked her if she could just use the phone that she had been using and then so my wife was just using the other phone, the other one was just out of commission.

(FT): *So it was not because there was a lack of correspondence?*

(GG): No. No. And, like I said, the whole family, the mom and everybody, is real friendly to my wife when they see her, "How you doing, Judith?"

(FT): *To this day that relationship continues as a friendship?*

(GG): Yes. Yes. And even that girl, Judith says, well, she came up to me and gave me a hug today, you know?

(FT): *Was your wife, besides being friends with this family, was she a sitter or babysitter?*

(GG): No.

(FT): *She wasn't paid to take care of the kids?*

(GG): No. Never.

(FT): *I'm sorry for going back and forth on these topics, it's just that sometimes you say something that jogs my memory to something else. I want to ask you on the issue of the class officers, were they predominantly male students or female students or a combination of both?*

(GG): Well again, I would say, probably, probably predominantly female but that was because that's who the students would vote for. It had nothing to do with me. I had nothing to do with the voting.

(FT): *I was told that on one occasion the female students were uncomfortable with this arrangement so they purposely voted male students to sit, to be class officers...*

(GG): Well, number one not only did I have no recollection of that ever happening, the students were not required to sit up by my table. They could stay...they were never required to sit in any particular place. If they were elected officers, they could stay at their seats. It didn't matter to me. It was never a requirement that they had to sit at the table. It was that they wanted... they liked to be able to kind of feel like they were the president. But they could stay at their seat, it didn't matter to me.

(FT): So another question on something that came up. The infusion of religious beliefs as part of the curriculum. Did you ever include religion as part of your curriculum?

(GG): No.

(FT): Never talked about the Mormon faith and some of its tenets?

(GG): No.

(FT): At what point were you informed that you would be on administrative leave?

(GG): Well, looking at the letter, that was sent to me on May 15th of last year.

(FT): That was for the 2008-2009 school year, when were you notified for 2009-2010?

(GG): No, I've been on administrative leave since May 15 of 2009.

(FT): Yeah. That was the end of last school year. So for this school year, when...

(GG): I've been on administrative leave since last May.

(FT): Have you had any role with the District while you have been on leave?

(GG): No.

(FT): You haven't...

(CG): Sorry. Are you including the lesson plans?

(GG): Yes. Yes. Lesson plans. Correcting the papers.

(FT): And that was for what grade?

(GG): Fourth grade.

(FT): Are any of the students that we have been talking about presently your students?

(GG): No.

(FT): O.k. As part of the agreement or the administrative leave, were you told that you could not return to the school site?

(GG): I don't know and the reason I bring this up is because I don't know of any... I can not find any documentation saying that I can't do that. One day, this wasn't too long ago, Mrs. Montoya had be come into the school I recall. It was after school or something, and I was questioning, "Is it ok for me to be here?" And as far as she knew, it was ok. She didn't invite me to the school, I questioned whether this was ok, as far as she knew, it was. I don't have any documentation saying... like I said...

(FT): Again, you were not interviewed by any law enforcement officer regarding your case?

(GG): No. No.

(FT): I just have a few more questions and we can start wrapping this up. Do you think it's inappropriate for a teacher to have physical contact with a student?

(GG): Of course. Like I was telling Charles, I have... for five years I was a counselor for sexual abuse. I'm a counselor for perpetrators, victims, and (inaudible) spouses. This says... One time I was going to go to theology school. This is a recommendation that they wrote for me, which you can keep if you would like.

(FT): With respect to giving students gifts, what is your perspective?

(GG): I think that it's stuff I'm gonna' throw away and it's kind of a reward system, I don't think it matters. I think if I'm going out and purchasing things because I want a student to like me, I think it's totally inappropriate. But I don't see anything wrong if I already, you know, like I've said, it's something insignificant and its kind of a reward because you've been elected this, you've been helping out, here this is kind of a reward.

(FT): I know you have indicated that you only had one student or one family sleep over. How did that arrangement come about?

(GG): Again, I can't recall. But it wasn't when she was my student. It was the next year because... she was a fourth grader in my class, and the next year, If I'm thinking right...the next year, yeah, 'cause the next year she was in fifth grade – that's when they came over. When she was my student, she was not over.

(FT): And the younger sisters were not in your class either?

(GG): No.

(FT): And you can't recall how that invitation came about?

(GG): No, I can't. But like I said, she wasn't my student at the time.

(FT): Would it be appropriate for a teacher to invite any student over to sleep?

(GG): I would say probably not. I know that where I... I know that earlier in my teaching career, I know that where... it was very common for teachers and students in the same geographic area to be going to church together and having activities together. And friends... I saw that as pretty common early in my teaching career in Utah. I think that, yeah... I think that they'd have to be very careful about something like that.

(FT): Just by way of summarizing, did you ever make multiple calls to students to invite them over to your house?

(GG): Never called students and invited them over.

(FT): Did you ever call parents to ask their permission...

(GG): Not... no, I never... I don't ever recall calling the parents or students and inviting them over. I have no recollection of doing anything like that.

(FT): Did you ever talk about how in the Mormon faith it was acceptable to men to have multiple relationships with girls?

(GG): No. Not at all. First of all, that's not true, the Church doesn't teach that. Second of all, I wouldn't say anything like that.

(FT): Did you ever... You already indicated that you did not touch any students.

(GG): That's right.

(FT): Some of the testimony is that, in fact, students would dress with double sweaters, double jackets and pants so as to avoid...

(GG): I don't ever recall seeing anything like that. No.

(FT): You don't remember asking a student why they were covering up?

(GG): I don't recall ever seeing anything like that. And like I said, there were several times during that year that my wife was in the classroom assisting me and with my grandmother there, too. She was there all the time, every day.

(FT): Have there ever been complaints filed against you for inappropriate conduct at any other school site?

(GG): Yes.

(FT): *For what was that?*

(GG): When I was in Santa Fe, umm, at a trip to the museum, two docents claimed that I had two students sitting on my lap at the museum. Not only do I have no recollection of that, but I wouldn't allow students to sit on my lap. In fact, I was told that one docent talked the other docent into making the complaint against me. I don't know if the students were... if somehow the students were like leaning against me somehow where they thought they were sitting on my lap or what. I know I don't allow students on my lap. I don't know... obviously. I don't know what they're talking about so at that time I certainly wasn't thinking anything inappropriate. And, and, I was in a museum. You know? Why would I be doing something inappropriate in front of everybody?

(FT): *So what was the resolution of that?*

(GG): The resolution was that I asked... I basically agreed to quit. And I was told... The reason is because I was told that the docents had a lot of power, political power, and you know? The district, basically, that's what they did with it.

(FT): *And that was immediately preceding your employment with the Espanola Public Schools or was there a break in service?*

(GG): Yes. Before the Espanola Schools.

(FT): *Again, by way of summarizing, you do not dispute giving sodas and candies as rewards?*

(GG): No, but again... but again, I consider that payment for doing work around the... I don't see anything wrong with it. I've known a lot of teachers in my teaching career that have done that stuff. I don't see anything inappropriate about it. It wasn't like I was playing favoritism. You know? It was people... It was like, you know, you're in an elected position, you do this work and then this is your pay. It was not like I was saving certain students and giving them gifts and stuff.

(FT): *O.k. Just one more thing that I'm having a little bit of trouble wrapping my head around is the issue of the telephone. You said that you...*

(GG): O.k. I don't... There would be no reason for me to call anybody. This particular family, when they came over is when she was no longer my student and this was always arranged between my wife and them. O.k.? And when they came over, my wife would do things with them. O.k.? I usually wouldn't do anything with them. Usually my wife was doing things with them. This was only when she was no longer my student. And, like I said, I didn't see anything inappropriate about that. She was no longer my student, and again, in my teaching career I have seen a lot of cases where teachers have done that.

(FT): *Did you give your telephone number to students?*

(GG): Umm, actually I probably... Every year I probably in case there was some reason they needed to call me about homework or this or that or whatever.

(FT): And did you exchange numbers with students?

(GG): No, I never had... I never called students for any other reason. I never called students. They had my number. Except they would be on, you know?

(FT): And you already indicated that you never had students sit on your person, they might be next to you but not on your lap?

(GG): Never.

(FT): All right. I think that takes care of the questions that I had for today's meeting. Is there anything that you want to add that would aid in this investigation and perhaps bring closure to this whole thing.

(CG): Well, as you heard from him, this is the first time he's heard any specificity. You know, all along, we never knew what this was about. We knew there were allegations of inappropriate contact, but that was it.

(GG): Also, I want you to know that for several years I have been a teacher at Sylvan Learning Center, where a situation where you got kids, you know, and there are several pods, and this is a recommendation that I got from Sylvan as part of me being a teacher there.

(FT): So you have provided a letter from Sylvan Learning Center and one from another organization.

(GG): It was an organization where we dealt with sexual abuse.

(FT): Yes, I have copies of both. Mr. Goodmacher.

(CG): Just that it's been more than a year. The police and District Attorney obviously have not found anything. If they had found something, they would have filed some charges. And, you know, we'd just like to see Mr. Gregor get back to work. I heard that the students didn't learn much this year and that's a terrible shame. So, I'm hoping you're not going to take a long time with this investigation. I assume so, especially given the reason that you guys aren't relying on the outside world for information.

(GG): I also want you to know that my Principal totally supports me and she would of course be in there unannounced, you know, to see what goes on inside the classroom. And my Principal totally supports me.

(FT): O.k. Regarding the timeframe, I do have a couple more interviews scheduled for this afternoon. But I will be typing up my notes and sharing those with the

Superintendent. Hopefully I can take care of that tonight if negotiations don't run too long.

(CG): All right (laughs).

(FT): And it may be possible to bring forth a decision some time tomorrow. That's how quickly we're looking at completing this investigation. And I want to state again that this internal investigation is separate and distinct from the pending criminal investigation that has taken so long and what we're doing is trying to determine if, in fact, there is any truth to this allegation. I'm interviewing witnesses and individuals with potential knowledge of the case, so this was your opportunity to respond to the allegations that have come up so far. The investigation is on-going and a decision will be made independent of whatever happens with the District Attorney and the police.

(CG): O.k.

(FT): O.k.? Thank you very much. Anything else? If not, I appreciate your time.

Notes from Gary Gregor Investigation
May 12-13, 2010

E.T. Salazar Principal Ruby Montoya, May 12, 2010, Hand-written Notes

I solicited Ms. Montoya's recollections as to why Dr. Gregor was placed on leave as well as any other information she could provide that would help the District in its decision whether or not to renew his contract.

She stated that all she could remember was Dr. Cockerham calling and telling her that he was placing Dr. Gregor on leave over concerns that involved three students at her school: [REDACTED] Then she recalled an investigator that went to school, Detective Bryan Martinez, who asked for the names, addresses, and phone numbers of the students.

Ms. Montoya indicated that she had no knowledge if the alleged events occurred on school grounds or off campus. She stated that no concerns were brought to her attention by either the students or their parents.

When asked if there were other incidents apart from this specific case leading to paid leave, Ms. Montoya stated that [REDACTED] mother came in for a conference. She said she didn't like Dr. Gregor hanging around her daughter. The mother's name is [REDACTED] This was during the 2008-09 school year. Apparently there was a dispute on the playground involving [REDACTED] and another student. Dr. Gregor was the one who separated the fight. At the time, [REDACTED] said she didn't like the way Dr. Gregor had touched her and after that the parent told Ms. Montoya he did not want him near her. Ms. Montoya said that she approached Dr. Gregor and he denied even being near [REDACTED] during the incident.

Ms. Montoya stated that there was another complaint about four years ago by a lady who worked for FACT, she couldn't remember the lady's name. This individual said she didn't appreciate how Dr. Gregor always had little girls sitting by his desk and on his lap, a claim Dr. Gregor denied. Ms. Montoya directed her assistant to investigate the complaint and it turned out that Dr. Gregor would let the class president sit near him. The complainant didn't appreciate the favoritism that Dr. Gregor displayed towards one student in particular. Ms. Montoya and her assistant brought in the parents of the child and the student's father stood up for Dr. Gregor. They were really upset that Dr. Gregor was accused of anything improper because he was a close family friend in addition to being her teacher.

Ms. Montoya reportedly asked him to not be alone with the student. She initiated random spot-checks and discovered that on at least one occasion, Dr. Gregor kept the student in for lunch to help him grade papers.

When asked if she has a record of these investigations? A file, folder, or other documentation that showed how these matters had been followed up with or how the issues were addressed, Ms. Montoya answered in the negative. She said they were dealt

with informally through conferences and verbal directives. Her recommendation to him was to not be alone in the room with the student and to get away from having class officers sit next to him.

I asked if he complied with her recommendations and directives? She responded, "Initially, yes. I know that before he was placed on administrative leave, he had started that up again, to let the class President sit up at his desk, but he also let the class grandmother sit up there."

When asked about his performance as a teacher, Ms. Montoya stated that "His performance evaluations have always been good." She stated that Dr. Gregor used to be a second grade teacher and was moved to the 4th grade because of the needs of the school, not for any performance-related issues.

I asked, "*Are you aware of any allegations that Mr. Gregor may have had students over at his house?*"

Ms. Montoya replied: "I know that he has had students and parents over for dinner, from what he himself has told me. At one time, I did go out to his house to drop something off and students were there at his house. That particular time, he wasn't there, he was at his other job in Santa Fe and the students were there with his wife. He is a tutor for Sylvan Learning Center and at one time he was a guard for St. Johns College."

I asked if Dr. Gregor's wife is associated with the District in any way? Ms. Montoya said she is a substitute teacher. At the time of the alleged incidents, however, she often volunteered in Dr. Gregor's class. She did not secure the proper background check to serve in that capacity and didn't get the background check until she was approved on the substitute list.

I inquired about the students Ms. Montoya saw at Dr. Gregor's house. She said she believed it was [REDACTED] and her two sisters.

I asked if there is any reason for a student to be going to any teacher's house after school. She said there shouldn't be a reason whatsoever. She couldn't think of a reason for them to be at his house.

I wondered if Ms. Montoya was aware of any other allegations or charges of inappropriate behavior or misconduct on the part of Dr. Gregor. She indicated that she had received a lot of complaints or comments from staff that he always ate with the kids and sat on the same side with the girls. She had heard rumors from about similar accusations at his former school. Also, that he insisted on holding their hands to and from the cafeteria or gym.

Ms. Montoya discussed an incident where on the anniversary of 9/11, the students said he talked about how in other countries the young men go to war and they don't have to be 18 like here. And that the women stay back to have babies. Ms. Montoya heard, but was

never able to verify in person, that he would also talk a lot about his religion. He's a Mormon and she heard on at least three or four different times by parents that he brought his religion into his lessons. When the Principal brought this up to him, his version was different from the parents. The parents claimed that he would talk about the Mormon religion and how a man could have many wives. But he always denied it and she could never substantiate the claims.

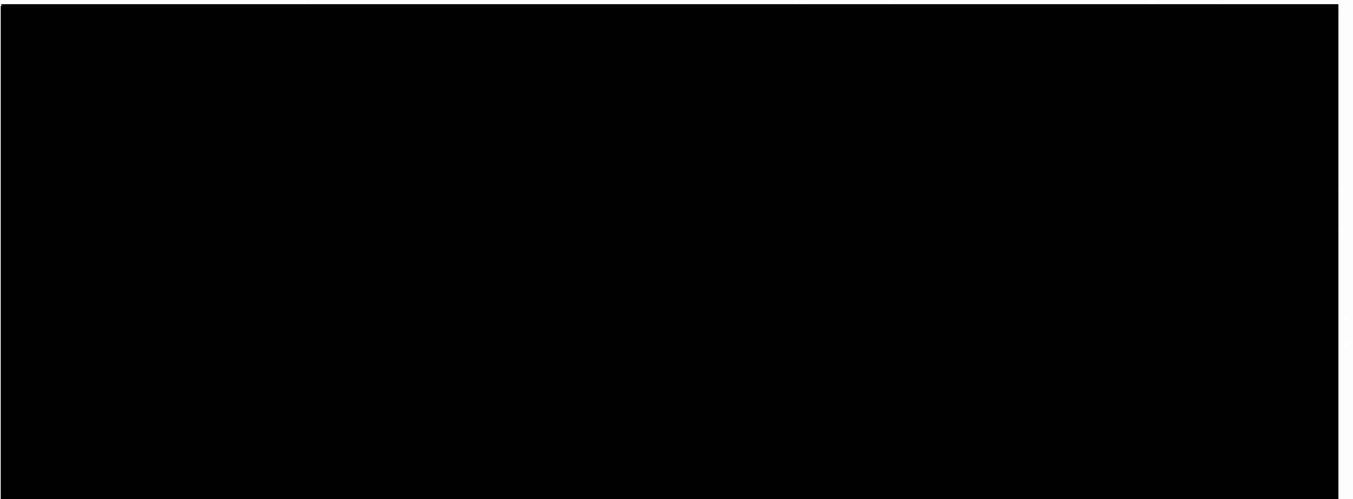
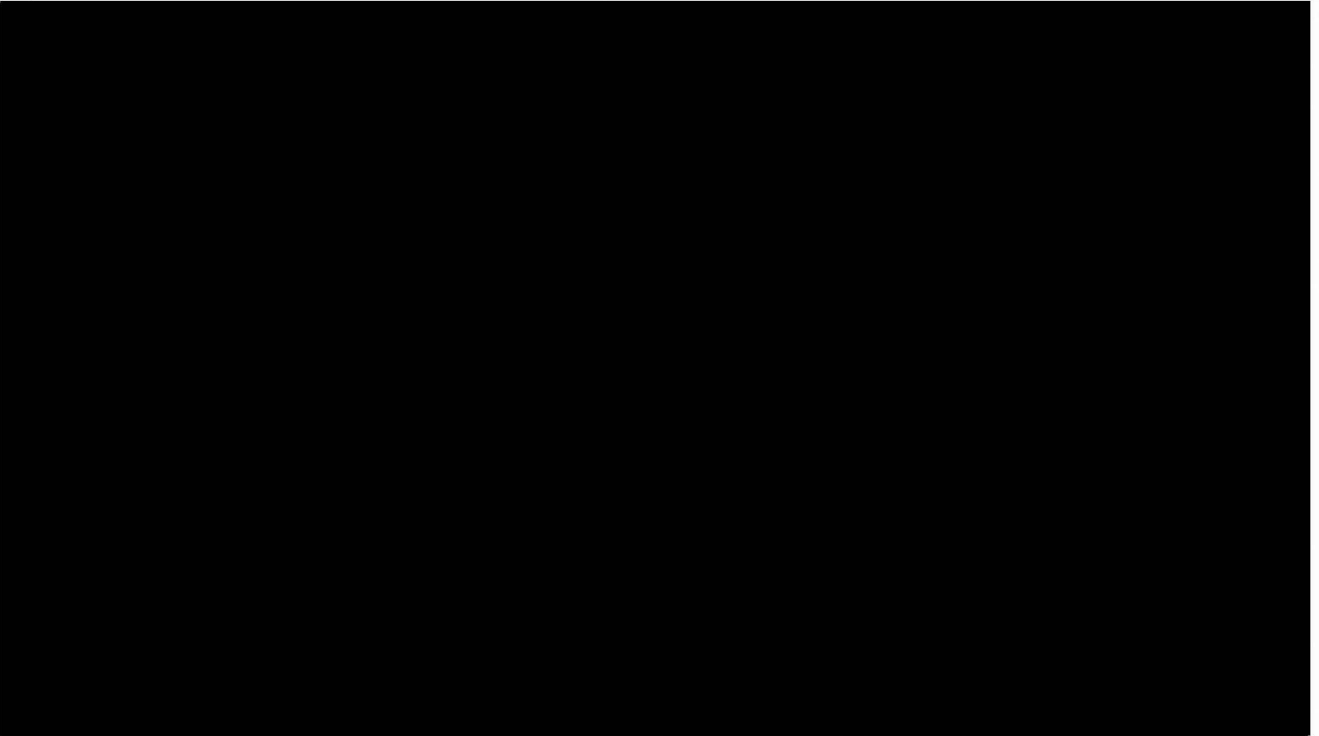
I inquired as to whether or not the Detective investigating the incident leading to Mr. Gregor's leave shared anything with her. She said she was never provided with any details. He just asked her for the data sheet for the three girls. Nobody from Central Office communicated any reasons for the paid leave.

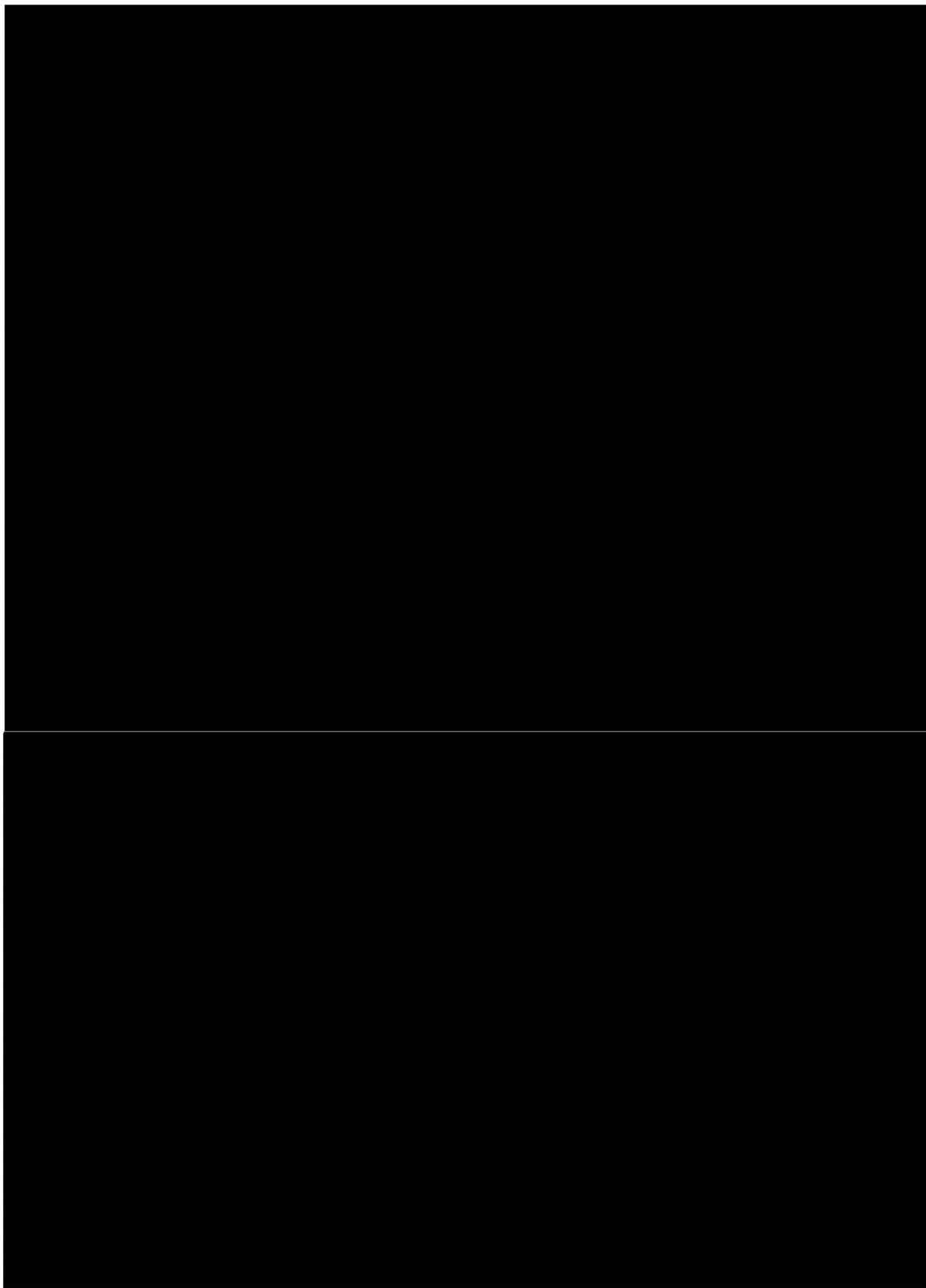
I asked Ms. Montoya what the arrangements are for coverage and if Dr. Gregor still did any work even though he is on administrative leave. She said that a long-term substitute has taught his class for the entire school year (2009-10). Dr. Gregor has been responsible for developing lesson plans and grading papers while on paid leave. He also submits grades and works on cumulative record folders at mid-year and end-of-year. Ms. Montoya did not evaluate him for 09-10. When pressed for a general evaluation of the jobs he performed while on leave, Ms. Montoya stated that at first he wasn't doing anything because the substitute wanted to do it herself with the assistance of the other fourth-grade teachers. "But then Dorothy Sanchez gave me a directive that he had to actually do those things so we got him to do it starting in September or October. He met every deadline that I know of with the exception of grades for one student. He missed that deadline by a week or so."

I asked Ms. Montoya if there was anything else she wanted to share that is pertinent to my investigation and she said she couldn't think of anything else at the moment.

We concluded the interview.

Gary Gregor Investigation







Fidel Trujillo

From: Tony F. Ortiz [tfo@santafelawyers.com]

Sent: Wednesday, May 12, 2010 4:26 PM

To: Fidel Trujillo

Subject: Re: Gregor Investigation

Anything that bears on his fitness for the classroom, on or off campus misconduct is fair game.

I am concerned about meeting the PED 14 day notice deadline, as measured by your last day of school.

I am out all day tomorrow, but can be reached by email, and can call you on breaks.

Tony

Tony F. Ortiz, Esq.
Scheuer, Yost & Patterson, PC
125 Lincoln Avenue, Suite 223
P.O. Box 9570
Santa Fe, N.M. 87504-9570
ph: 505-989-7500 or
505-982-9911
fax: 505-982-1621
e-mail: tfo@santafelawyers.com

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Fidel Trujillo wrote:

Tony,

5/13/2010

Fidel Trujillo

From: Fidel Trujillo
Sent: Tuesday, May 11, 2010 11:19 AM
To: 'garygregor@yahoo.com'
Subject: Predetermination Notice
Attachments: Gary Gregor Predetermination Notice.doc

Dr. Gregor,

Per our telephone conversation, I am attaching the predetermination notice to this message. The /s/ indicates my electronic signature.

Please print the document, sign the acknowledgement of receipt at the bottom as well as whether or not you want NEA representation, and fax the document back to me at 505-367-3362. An alternate fax number is 505-367-3334.

Sincerely,

Fidel J. Trujillo, Ph.D.
Human Resources Director
Española Public Schools
505-367-3334 (office)
505-753-4699 (fax)
fidel.trujillo@k12espanola.org

SUPERINTENDENT

Janette Archuleta

Email:

janette.archuleta@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Española, New Mexico 87532

505-753-2254

Fax 505-747-3514



BOARD OF EDUCATION

Joann V. Salazar, President

Floyd E. Archuleta, Vice President

Andrew J. Chávez, Secretary

Leonard J. Valerio, Member

Jose I. "Coco" Archuleta, Member

TO: Gary Gregor, Teacher
E.T. Salazar Elementary

FROM: Dr. Fidel Trujillo, HR Director

Date: May 10, 2010

RE: Predetermination Meeting

Dear Dr. Gregor,

As part of the staffing and budget preparations for 2010-2011 school year, we are re-visiting the issue of your administrative leave pending a law enforcement investigation.

The District has initiated a preliminary investigation of its own and the investigation is on-going.

I would like to invite you to a predetermination meeting to discuss the case. The purpose of the meeting is to provide you an opportunity to respond to the allegations. Per the Collective Bargaining Agreement, you are entitled, at your request, to have a representative of the Española-NEA present to represent you.

Please be available to meet on Thursday, May 13, 2010 at 1:30 p.m. in my office (Central Office Administration Complex, 714 Calle Don Diego, Espanola, NM 87532).

Sincerely,

A handwritten signature in blue ink that reads "Fidel Trujillo".

/s/ Dr. Fidel Trujillo

Director of Human Resources

Acknowledgement of Receipt:

Employee Signature

Date

Signature indicates receipt by the employee of this document. It does not indicate agreement or disagreement with the information contained therein.

(Check One):

☐ I will be requesting Española-NEA representation at the predetermination meeting.

☐ I waive my right for Española-NEA representation at the predetermination meeting.

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AN EQUAL OPPORTUNITY EMPLOYER

SUPERINTENDENT

Janette Archuleta
Email: janette.archuleta@k12espanola.org
Website: www.k12espanola.org
714 Calle Don Diego
Española, New Mexico 87532
505 753 2254
Fax 505 747 3514

★ **Española** ★

PUBLIC SCHOOL DISTRICT #55



Reaching for Excellence

BOARD OF EDUCATION

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Floyd E. Archuleta, Vice President
Andrew J. Chavez, Secretary
Leonard J. Valerio, Member
Jose L. "Coco" Archuleta, Member

2010 MAY 12 PM 2:09

TO: Gary Gregor, Teacher
E.T. Salazar Elementary

FROM: Dr. Fidel Trujillo, HR Director

Date: May 10, 2010

RE: Predetermination Meeting

Dear Dr. Gregor,

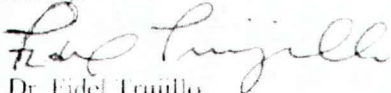
As part of the staffing and budget preparations for 2010-2011 school year, we are re-visiting the issue of your administrative leave pending a law enforcement investigation.

The District has initiated a preliminary investigation of its own and the investigation is on-going.

I would like to invite you to a predetermination meeting to discuss the case. The purpose of the meeting is to provide you an opportunity to respond to the allegations. Per the Collective Bargaining Agreement, you are entitled, at your request, to have a representative of the Española-NEA present to represent you.

Please be available to meet on Thursday, May 13, 2010 at 1:30 p.m. in my office (Central Office Administration Complex, 714 Calle Don Diego, Espanola, NM 87532).

Sincerely,


s/ Dr. Fidel Trujillo
Director of Human Resources

Acknowledgement of Receipt:


Employee Signature

5-12-10
Date

Signature indicates receipt by the employee of this document. It does not indicate agreement or disagreement with the information contained therein.

(Check One):

☒ I will be requesting Española-NEA representation at the predetermination meeting.

I waive my right for Española-NEA representation at the predetermination meeting.

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AN EQUAL OPPORTUNITY EMPLOYER



iSeries Access for Web

LEA055

PED400.state.nm.us

LCPGINQ
INQRY

LICENSURE INFORMATION

3/16/10
14:24:08

FILE ID: 265923 NAME: GREGOR, GARY F. SSN: [REDACTED]-9393
 ADDR: 1299 VEGAS VERDES DR. #44
 CITY: SANTA FE ST: NM ZIP 87505 ZIP+4 0000
 BIRTH YR: 56 HDI: 00 HD: LDI: 00 LD: SEX: M
 DOB: [REDACTED]/1956

TYPE	LEVEL	PREPINS	ISS/EXP	01	02	03	04	05	06	07	08	09	Last	Changed
200	2		01 10										5/21/01	
400	2		01 10										5/21/01	

Status: P Pending due to: Bkgd Ck Exp w/Actn X Review NASDTEC
 Lic Sts: E ETHICS CASE 3/10/10 Bkgd Ck:
 WAIVR APPR DIST DATE REASONS WAIVR DISAP DIST DATE REASONS

F3=Exit F5=Bckgrd F6=Exams F7=HQ Elem K-8 F8=HQ SpEd F11=Transfer

37

1,1

Attention	Refresh Screen	Field Exit	Page Up	Enter
System Request	Stop Session	Reset	Page Down	

F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11	F12
F13	F14	F15	F16	F17	F18	F19	F20	F21	F22	F23	F24

Macros

Start Recording

[Traditional view](#)

Switch this session to traditional view.

[Active session settings](#)

Change the settings for this session.

[Active sessions](#)

Work with your active sessions.

[Configured sessions](#)

Work with your configured sessions.

[My macros](#)

Work with your macros.

[My keypads](#)

State of New Mexico
Public Education Department
Educator Ethics Bureau
(505) 827-4523



This form only for use by officials of
school districts, charter schools or
RECs when reporting ethical misconduct.

ETHICAL MISCONDUCT REPORTING FORM

(22-10A-5, NMSA 1978)

Misconduct must be reported to PED within **30 days** of a licensed employee's departure *but only if an investigation resulted in a finding of wrongdoing.*

Name of Licensee: **Gary Gregor**

245923

Date Licensee left: / /

Licensee's Last Known Address:

Street Address): PO Box 388

City: Espanola

State: NM

Zip: 87532

Phone # (Home): 505-316-0555

Phone # (Cell):

Mailing Address:
(enter only if different than street address)

Ethical Infraction(s) being reported: [check all infractions that apply]

- Inducing minor into an illegal act ☐
Inducing minor into an immoral act ☐
Inducing minor into a prohibited act ☐
Sexual harassment of a minor ☐
Inappropriate contact w/ a minor ☐

- Discriminatory act against minor ☐
Violence against a minor ☐
Sex with a minor ☐
Other ☒

(Inappropriate Behavior)

1. Summary of alleged ethical misconduct (who, what, when, where):

An investigation is on-going regarding allegations of inappropriate behavior that occurred off school grounds involving current and former students. The case has been forwarded to the District Attorney's Office and the instructor has been placed on administrative leave. The alleged incident is a breach of Standard I of the Standards of Professional conduct that prohibits "inappropriate contact with any student, whether or not on school property."

2. Identity of each witness interviewed and a summary of their statement:

See attached documentation

3. Reasons for concluding that the allegation of ethical misconduct is substantiated:

Thus far, nothing has been substantiated.
We have talked to the detective investigating the case and to the Assistant District Attorney assigned to the case but they can only confirm that the investigation is on-going.

Form submitted by:

(signature)

Fidel J. Trujillo

(name of district, charter school, REC)

Espanola Public Schools, District #55

(printed name & title)

Dr. Fidel J. Trujillo, HR Director

(date)

03 / 09 / 10

If not submitted by Superintendent,
did Superintendent review this form?

☒ Yes ☐ No

Please attach the following documents:

1. the licensee's employment contract,
2. any settlement or departure agreement signed by the licensee,
3. signed or unsigned witness statements,
4. police reports,
5. documentary evidence considered during the investigation (excluding employee's evaluation),
6. investigatory report, and
7. any other documents or records you believe the PED should consider.

Instructions and considerations for using this form:

1. This form is for use only by officials of a school district, charter school, or RECs to report ethical misconduct to the PED.
2. When completing the form, just place cursor directly in gray shaded boxes then type in your data entries and narrative responses.
3. Use this form only when reporting on a departing *licensed* employee who left while being discharged or terminated, or who otherwise decided to leave employment, after an allegation or accusation of ethical misconduct was made against that employee.
4. You must report ethical misconduct on this form to the PED's Educator Ethics Bureau within **30 days** of a licensed employee's departure *but only if the investigation you conducted resulted in a finding of wrongdoing*.
5. The law prohibits a school district, charter school or REC from entering into a settlement agreement with such a departing employee that would eliminate the responsibility of investigating and reporting to the PED the alleged ethical misconduct. Any such agreement is void.
6. The law also prohibits a school district, charter school or REC from maintaining a copy of this form in any of its files!
7. **Mail form to:** Public Education Department, Educator Ethics Bureau, 300 Don Gaspar, Santa Fe, NM 87501-2786; or **Fax to:** (505) 827-???? (don't forget your attachments!)

Excerpt of Section 22-10A-5 of law:

A. As used in this section, **"ethical misconduct"** means unacceptable behavior or conduct engaged in by a licensed school employee and includes inappropriate touching, sexual harassment, discrimination and behavior intended to induce a child into engaging in illegal, immoral or other prohibited behavior.

* * * * *

F. A local superintendent, charter school administrator or director of a regional education cooperative or their respective designees shall investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing, the local superintendent, charter school administrator or director of a regional education cooperative shall report the identity of the licensed school employee and attendant circumstances of the ethical misconduct on a standardized form to the department and the licensed school employee within thirty days following the separation from employment. Copies of that form shall not be maintained in public school, school district or regional education cooperative records. No agreement between a departing licensed school employee and the local school board, school district, charter school or regional education cooperative shall diminish or eliminate the responsibility of investigating and reporting the alleged ethical misconduct, and any such agreement to the contrary is void. Unless the department has commenced its own investigation of the licensed school employee prior to receipt of the form, the department shall serve the licensed school employee with a notice of contemplated action involving that employee's license within ninety days of receipt of the form. If that notice of contemplated action is not served on the licensed school employee within ninety days of receipt of the form, the form, together with any documents related to the alleged ethical misconduct, shall be expunged from the licensed school employee's records with the department and shall not be subject to public inspection.

G. The secretary may suspend, revoke or refuse to renew the license of a local superintendent, charter school administrator or regional education cooperative director who fails to report as required by Subsections E and F of this section.

H. A person who in good faith reports as provided in Subsections E and F of this section shall not be held liable for civil damages as a result of the report. The person being accused shall have the right to sue for any damages sustained as a result of negligent or intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.

The internet link to the entire reporting law is: <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>

SUPERINTENDENT

Dr. David L. Cockerham

Email:

david.cockerham@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Española, New Mexico 87532

505-753-2254

Fax 505-747-3514

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PUBLIC SCHOOL DISTRICT #55



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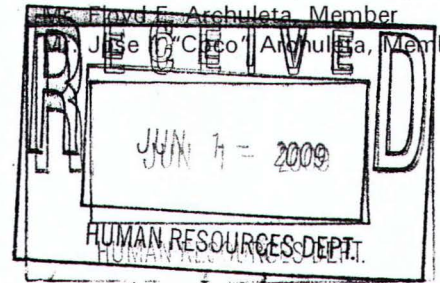
Mr. Leonard J. Valerio, President

Ms. Joann V. Salazar, Vice President

Mr. Andrew J. Chávez, Secretary

Mr. Floyd E. Archuleta, Member

Mr. Jose G. "Coco" Archuleta, Member



May 26, 2009

Dear Gary Gregor:

Pursuant to HB212 (22-5-14 NMSA), Dr. David Cockerham, Superintendent of the Española Public Schools, has approved your rehire for the 2009-2010 school year as a Teacher.

The salary will be in accordance with the 2009-2010 salary schedule for this position.

Your assignment will be sent to your district email address by July 10, 2009.

It shall be understood that your employment is conditional with the following contingencies: 1) Subject to the school district receiving sufficient State & Federal funds. 2) Subject to materialization of projected enrollment. 3) Comply with Licensure requirements if applicable. 4) Comply with PGP (if applicable). 5) Subject to reassignment, if need arises. 6) Signing a formal contract of employment which will contain the specific expectations and conditions of employment.

If you accept this offered employment, you also agree to provide HR with a written notice if you plan to resign or retire (according to regulation).

You are required to give my office a written notice of your acceptance or rejection of this offer of employment by **June 5, 2009**. Please sign and return this letter to the Human Resources office. **Failure to comply with the given time frame will be interpreted as NON-ACCEPTANCE of employment.**

Sincerely yours, 
Kina Quintana, Administrative Assistant

Please check one of the following and include all the required information below:

☒ I accept ☐ I reject employment with the Española Public Schools for the 2009-2010 school year.

Gary Gregor  6-1-09
Print Name Employee Signature Date

P.O. Box 388 Espanola, NM 87532
Mailing Address (please print)

1617 N. Prince Dr. Espanola, NM 87532
Physical Address

505-316-0555
Current Phone #

Accredited by North Central Association of Universities Colleges and Secondary Schools
AN EQUAL OPPORTUNITY EMPLOYER

SUPERINTENDENT

Dr. David L. Cockerham

Email:

david.cockerham@k12espanola.org

Website: www.k12espanola.org

714 Calle Don Diego

Española, New Mexico 87532

505-753-2254

Fax 505-747-3514

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PUBLIC SCHOOL DISTRICT #55



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Mr. Andrew J. Chávez, Secretary

Mr. Floyd E. Archuleta, Member

Mr. Jose I. "Coco" Archuleta, Member

DATE: May 20, 2009

TO: Charlene Sanchez, Business Manager

FROM: Lucia Sedillo, HR Officer 

RE: Gary Gregor, Teacher

Please be advised that Gary Gregor a teacher at Eutimo T. Salazar Elementary was placed on administrative leave with pay effective May 15, 2009 until further notice.

Cc: File

CITY OF ESÑOLA
POLICE DEPARTMENT

SUPERINTENDENT

Janette Archuleta
Email:
janette.archuleta@k12espanola.org
Website: www.k12espanola.org
714 Calle Don Diego
Española, New Mexico 87532
505-753-2254
Fax 505-747-3514

★ Española ★

PUBLIC SCHOOL DISTRICT #55



BOARD OF EDUCATION

Mr. Leonard J. Valerio, President
Ms. Joann V. Salazar, Vice President
Mr. Andrew J. Chávez, Secretary
Mr. Floyd E. Archuleta, Member
Mr. Jose I. "Coco" Archuleta, Member

August 11, 2009

Gary Gregor
PO Box 388
Española, NM 87532

Re: Administrative Leave

Dear Mr. Gregor:

On May 15, 2009 Dr. David Cockerham placed you on administrative leave pending a law enforcement investigation. This letter is inform you that you will continue on administrative leave into the 2009-2010 school year until the pending investigation and associated law enforcement actions are concluded.

If this matter has been resolved, please provide this office with information and documentation regarding such resolution. If this matter is still pending, please provide this office with information immediately upon resolution or conclusion of any pending law enforcement actions.

Please contact me immediately if you have any questions or wish to discuss this matter further.

Sincerely,

Janette Archuleta
Superintendent

Cc: Dr. Fidel Trujillo, Human Resources Director
Dorothy Sanchez, Assistant Superintendent
Ruby Montoya, Principal
Personnel File

Fidel Trujillo

From: Ramon Vigil [RVigil@cuddymccarthy.com]
Sent: Tuesday, October 27, 2009 8:35 AM
To: Fidel Trujillo
Cc: Jacque Archuleta-Staehlin
Subject: RE: Gary Gregor

ATTORNEY-CLIENT PRIVILEGED INFORMATION

Dr. Trujillo: Unfortunately, the District can only wait to see what we get, if anything, from the DA's office. The District can not conduct its own investigation without any idea about who the alleged victim(s) might be and what the misconduct might be. On the other hand, Gregor can not be returned to the classroom since the District knows that he is under investigation for misconduct with student(s). I'll let you know if I hear anything. Let me know if you learn anything new. Thanks, RV

PLEASE NOTE OUR NEW FIRM NAME AND MY NEW E-MAIL ADDRESS**CUDDY & McCARTHY, LLP**

RAMON VIGIL

rvigil@cuddymccarthy.com

ABQ 7770 Jefferson NE
 Suite 305
 Albuquerque, New Mexico 87109
 (505)888-1335
 (505)888-1369 fax

SF Post Office Box 4160
 Santa Fe, New Mexico 87502-4160
 (505)988-4476
 (505)954-7373 fax

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From: Fidel Trujillo [mailto:fidel.trujillo@k12espanola.org]
Sent: Monday, October 26, 2009 2:29 PM
To: Ramon Vigil
Subject: RE: Gary Gregor

Ramon,

Thank you for the status update. I appreciate any further information you may provide as well as guidance as to how to proceed.

Fidel

Fidel J. Trujillo, Ph.D.
 Human Resources Director
 Española Public Schools
 505-367-3334 (office)

3/9/2010

As part of the District's internal investigation on the Gregor case, I have spoken to the site administrator (Principal) and the detective in the criminal case. I have a scheduled 4:30 meeting with the parent of another student identified as a possible witness/victim. I will be interviewing a student and her parent tomorrow morning and Mr. Gregor in the afternoon.

The parent that is coming in this afternoon wasn't really comfortable with having his daughter be interviewed. His comment was, "When I tell you what my daughter told me, you'll understand why I don't want to have her go through all that."

I will type up all of my notes from the investigation and forward them to you.

Anyway, my question for you revolves around the line of questioning I should prepare for the student/parent(s) and for Mr. Gregor himself. Am I limited in any way to discussing the pending criminal case? Or if other issues arise as part of the investigation, may I solicit responses about them as well?

Thanks,

Fidel

Fidel J. Trujillo, Ph.D.
Human Resources Director
Española Public Schools
505-367-3334 (office)
505-753-4699 (fax)
fidel.trujillo@k12espanola.org

From: Tony F. Ortiz [<mailto:tfo@santafelawyers.com>]
Sent: Tuesday, May 11, 2010 1:12 PM
To: Fidel Trujillo
Subject: Re: Gregor Investigation

Fidel,

You should be prepared with a notice of termination for Mr. Gregor on Thursday if he does not give you any information that changes your mind.

Tony F. Ortiz, Esq.
Scheuer, Yost & Patterson, PC
125 Lincoln Avenue, Suite 223
P.O. Box 9570
Santa Fe, N.M. 87504-9570
ph: 505-989-7500 or
505-982-9911
fax: 505-982-1621
e-mail: tfo@santafelawyers.com

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If you have received this communication in error, please immediately notify the sender by telephone or reply e-mail and destroy this communication. Thank you.

Fidel Trujillo wrote:
Mr. Ortiz,

This is my second attempt to send this message, the first one apparently failed because of technical difficulties on my end.

In any event, the District's investigation into the conduct of Mr. Gary Gregor will begin in earnest tomorrow (5/12). I have set up a meeting to discuss the case with Mr. Gregor for Thursday, 5/13 at 1:30 p.m. in my office. Tomorrow I will interview the Principal, a student and parent, and potential staff members with knowledge about the case (one is a next door neighbor to Mr. Gregor).

I will touch base with you tomorrow morning.

Fidel

Fidel J. Trujillo, Ph.D.
Human Resources Director
Española Public Schools
505-367-3334 (office)
505-753-4699 (fax)
fidel.trujillo@k12espanola.org

505-753-4699 (fax)
fidel.trujillo@k12espanola.org

From: Ramon Vigil [mailto:RVigil@cuddymccarthy.com]
Sent: Monday, October 26, 2009 1:36 PM
To: Fidel Trujillo
Cc: Jacque Archuleta-Staehlin; Dorothy Sanchez
Subject: FW: Gary Gregor

ATTORNEY-CLIENT PRIVILEGED INFORMATION

Dr. Trujillo:

I had a return call from Assistant DA Lara Sundermann this afternoon. She said that although the investigation has been submitted to the DA's office, she has determined that additional follow-up by the Espanola Police is needed. Therefore, this is still an on-going investigation. She could not, at this time, release any information regarding the allegations or the names of the alleged victims. She will contact me again after reviewing this matter with the original investigating officer(s). She did say that the report indicates that some of students have presented information about misconduct in the classroom. She agreed to try to get us some information about the allegations in this matter as soon as possible since Gregor has been on administrative leave since last spring.

Thanks, RV

**PLEASE NOTE OUR NEW FIRM NAME AND
MY NEW E-MAIL ADDRESS**

CUDDY & McCARTHY, LLP

RAMON VIGIL

rvigil@cuddymccarthy.com

ABQ 7770 Jefferson NE
 Suite 305
 Albuquerque, New Mexico 87109
 (505)888-1335
 (505)888-1369 fax

SF Post Office Box 4160
 Santa Fe, New Mexico 87502-4160
 (505)988-4476
 (505)954-7373 fax

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From: Ramon Vigil
Sent: Friday, October 23, 2009 1:36 PM
To: '1stda@da.state.nm.us'
Subject: Gary Gregor

Please forward this message to Deputy DA Lara Sundermann.

Ms. Sundermann:

3/9/2010

My name is Ramon Vigil. I am an attorney with the Cuddy & McCarthy Law Firm. We represent the Espanola Public Schools.

I have been informed that the investigation of Gary Gregor, an employee of the Espanola Public Schools, has been assigned to you for possible prosecution. Upon learning that Mr. Gregor was being investigated by the Espanola Police on allegations of misconduct with minor children, the School District placed Mr. Gregor on administrative leave pending the results of the investigation. Since the incidents related to the allegations did not occur at school or while Mr. Gregor was at work, the School District does not have any information about details of the allegations. However, it is obvious that if a teacher is being investigated for possible misconduct with children, he should not be permitted unsupervised access to students until and unless the allegations are determined to be unfounded. Since Mr. Gregor has been on administrative leave with pay for several months, I would like to discuss his case with you. Without information about the allegations, the School District cannot conduct its own investigation into Mr. Gregor's conduct to determine whether there is sufficient evidence to take personnel action against him.

I would greatly appreciate a call from you to discuss this matter further. My office number is 888-1335 in our Albuquerque Office.

Thanks, Ramon Vigil

**PLEASE NOTE OUR NEW FIRM NAME AND
MY NEW E-MAIL ADDRESS**

CUDDY & MCCARTHY, LLP

RAMON VIGIL

rvigil@cuddymccarthy.com

ABQ 7770 Jefferson NE
 Suite 305
 Albuquerque, New Mexico 87109
 (505)888-1335
 (505)888-1369 fax

SF Post Office Box 4160
 Santa Fe, New Mexico 87502-4160
 (505)988-4476
 (505)954-7373 fax

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3/9/2010




Espanola Public Schools

I certify that I have received the employee packet with the following information.

- . 2007-2008 Employee Contracts
- . 9 month School Calendar 2007-2008
- . Staff Conduct – Standards of professional Conduct
- . Bereavement Leave
- . Drug Free Workplace
- . Professional Staff Certification and Credentialing Requirements
- . Sabbatical Leave
- . Sick Leave
- . Sick Leave Bank
- . Transfer of Accrued Sick Leave
- . Sexual Harassment
- . Staff Grievances
- . Assignments and Transfers
- . Workers Compensation

Date 8-31-07

Print Name Gary Gregor

Signature 

**PROFESSIONAL STAFF CERTIFICATION AND
CREDENTIALING REQUIREMENTS**

Gary Gregor
Name

Teacher
Position

I, Gary Gregor, being duly sworn, do hereby certify that I have never been convicted of or admitted in open court or pursuant to a plea agreement committing, and am not now awaiting trial for committing, any of the following criminal offenses in the state of New Mexico or similar offenses in any other jurisdiction:

Sexual abuse of a minor
Incest
First – or second – degree murder
Kidnapping
Arson
Sexual assault
Sexual exploitation of a minor
Felony offenses involving contributing to the delinquency of a minor
Commercial sexual exploitation of a minor
Felony offenses involving sale, distribution, or transportation of,
Offer to sell, transport, or distribute,
Or conspiracy to sell, transport, or distribute marijuana or dangerous or narcotic drugs

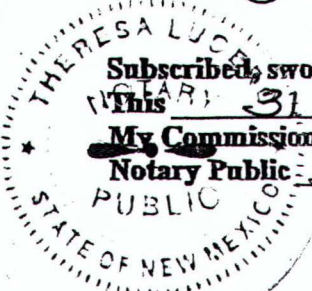
Felony offenses involving the possession
Or use of marijuana, dangerous drugs or narcotic drugs
Misdemeanor offenses involving the Possession or use of marijuana or dangerous drugs
Burglary in the first degree
Burglary in the second or third degree
Aggravated or armed robbery
Robbery
Child abuse
Sexual conduct with a minor
Molestation of a child
Manslaughter
Assault or Aggravated assault
Exploitation of minors involving drug offenses

[Signature]
Employee signature

8-31-07
Date signed

Subscribed, sworn to, and acknowledged before me by NM DL 127040729
This 31 day of August, 20 07, in Person
My Commission Expires April 29, 2009
Notary Public Theresa Luecke

Espanola Public Schools
9/16/2006

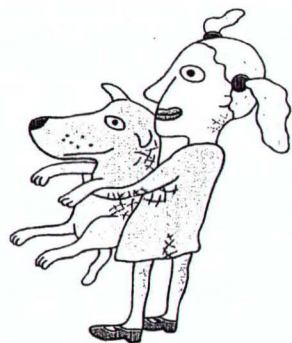


Certificate of Attendance

Dr. Gary Gregor

has attended the

Child Abuse and Sexual Harassment



Four-Hour Training Program on the Third Day of
August in the Year of Two Thousand and Seven

Ted Maestas

Ted Maestas

Poms & Associates

Insurance Brokers, Inc.

10/30/07

Date

CIVIL APPLICANT RESPONSE

ICN IFCS0001000000108415 CIDN OCA
GREGOR, GARY FRANK W 600 1956-01-15
MNU SOC [REDACTED] 9393 SEX M
FPC
HENRY CLASS API

NM930027Z ESPANOLA MUNI SCHLS DATE FP
ESPANOLA NM 2005/01/19

A SEARCH OF THE FINGERPRINTS ON THE ABOVE
INDIVIDUAL HAS FAILED TO DISCLOSE PRIOR ARREST
DATA. CJIS DIVISION
2005/03/10 FEDERAL BUREAU OF INVESTIGATION
** SPECIAL INFORMATION

CIVIL NON-IDENT TEN-PRINT SUBMISSION FOR THIS SUBJECT HAS BEEN DESTROYED



|||||
NM930027Z
PERSONNEL DIRECTOR
ESPANOLA MUNI SCHLS
714 CALLE DON DIEGO
ESPANOLA, NM 87532

G-0750 © GBEB**STAFF CONDUCT****(Standards of Professional Conduct)****Preamble**

We, licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequence of each choice, the moral value best exemplified by the recommended choice and a reflection on how we would view the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are: respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all and personal integrity.

In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, it stimulates us into discussing the professional implications of our ethical choices and ethical recommendations, causes us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

Standard I – Duty to the student. We endeavor to stimulate students to think and to learn while at the same time we seek to protect them from any harm. Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but by consistent and justifiable personal example. To satisfy this obligation, we:

- shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. 1401 *et seq.*, 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19 NMSA

1978), the Inspection of Public Records Act (Chapter 14, Article 2 NMSA 1978), the Public School Code (Section 22-1-8 NMSA 1978) and the Children's Code (Sections 32A-2-32, 32A-4-3 NMSA 1978), withhold confidential student records or information about a student or the student's personal and family life unless release of information is allowed, permitted by the student's parents/legal guardian or required by law;

- shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition;

- shall avoid using our position as a licensed school employee to exploit or unduly influence a student into engaging in an illegal act, immoral act or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;

- shall tutor students only in accordance with local board policies if any, only after written permission from the student's parents/legal guardian and only at a place or time approved by the local school or the student's parents/legal guardian;

- shall not give a gift to any one (1) student unless all students situated similarly receive or are offered gifts of equal value for the same reason;

- shall not lend a student money except in clear and occasional circumstances as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;

- shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:

- all forms of sexual touching, sexual relations or romantic relations;

- inappropriate touching which is any physical touching, embracing, petting, hand-holding or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;

- any open displays of affection toward mostly-boys or mostly-girls;

- offering or giving a ride to a student unless absolutely unavoidable as where a student has missed their usual transportation and is unable to make reasonable substitute arrangements;

- shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or

responsibility to sexually harass any other student, which prohibited behavior includes:

- making any sexual advances, requests for sexual favors, repeated sexual references and any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity and any display/distribution of sexually oriented materials where students can see them;
- creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) of this subsection or Subparagraph (a) of this paragraph.

Standard II – Duty to the profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession and must strive consistently in educating the children all of whom will one day shape the future. To satisfy this obligation, we:

- shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;
- shall not orally or in writing misrepresent our professional qualifications;
- shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education or employment history;
- shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;
- shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;
- shall not disclose personal, medical or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;
- shall not knowingly make false or derogatory personal comments about an educational colleague, although First Amendment protected comments on or off campus are not prohibited;
- shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor or other item having monetary value whose market value exceeds one hundred dollars (\$100) and which compromises the integrity of the licensed educator, excluding approved educational awards,

honoraria, plaques, trophies and prizes;

- shall avoid conduct connected with official duties that is unfair or is improper, illegal or gives the appearance of being improper or illegal;
- shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:
 - making any sexual advances, requests for sexual favors, repeated sexual references and name calling by means of sexual references or references directed at any gender-specific individuals named above;
 - making any other verbal or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;
 - displaying or distributing any sexually oriented materials where the above-named individuals can see them;
 - creating an intimidating, hostile or offensive work/school environment by at a minimum not engaging in any of the prohibited behaviors set forth above;
- shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. § 1604.1 *et seq.*) or contacting appropriate school human resources personnel;
- shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;
- shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;
- shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
- shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion or serious medical condition;
- shall not engage in any outside employment:
 - the performance of which conflicts with our public school duties as

where a licensed educator takes a private job that would require performance in the very school district where he or she is employed;

- where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties;
- that impairs our physical ability to perform our school duties;
- shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
 - in connection with our official school duties;
 - in connection with another licensed person's official school duties;
 - in connection with any standardized or non-standardized testing;
 - in connection with any school application or disclosure process;
 - in connection with any writing submitted to the department of education related to our initial or continued licensure, including endorsements;
- shall not in connection with any secretary-approved teacher test knowingly make any misrepresentations about one's identity or engage in any false or deceptive acts of test-taking or test-registering;
- shall not engage in any conduct or make any statement:
 - that would breach the security of any standardized or non-standardized tests;
 - that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
 - that would give students an unfair advantage in taking a standardized or non-standardized test;
 - that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test;
 - that would assist students in obtaining services or benefits to which they do not qualify or are not entitled;
- shall not, when on school property or off campus while representing the school or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which

tends to disturb the peace.

Sanctions

The standards of professional conduct establish minimal standards of accepted professional conduct with which all educators and administrators are required to comply. Therefore, the Secretary of Education through the professional licensure unit ("licensure unit") of the public education department (PED), may revoke or suspend the licensure of any person, or may deny applications for licensure or relicensure to any person, who is within the scope of this regulation and who after hearing is found to have failed to comply with one (1) or more of the enumerated provisions of the standards of professional conduct set forth in Section 6.60.9.9 NMAC, exclusive of the preamble.

In General

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students and District property. No employee shall, by action or inaction, interfere with or disrupt any District activity or encourage any such disruption. No employee, other than one who has obtained authorization from the appropriate school administrator, shall carry or possess a weapon on school grounds. All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4.4 NMSA (1978)

6.60.9.9 NMAC

6.68.2 NMAC

6.68.3 NMAC

CROSS REF.: GCF - Professional Staff Hiring

JIC - Student Conduct

JK - Student Discipline

KFA - Public Conduct on School Property

G-0850 © GBEBB
STAFF CONDUCT WITH STUDENTS

Employees are expected to exercise general supervision over the conduct of students, not only while in the schoolroom, but also before and after school and during recess. At all times teachers and other staff members will accord students the dignity and respect that they deserve, and avoid embarrassing any student unnecessarily.

Students are expected to regard all school employees as individuals who are employed to provide direct or indirect contributions to learning. While students are to have considerable latitude in making choices for themselves, they shall be required to respect the rights of all school employees and other students, and interference with those rights will not be tolerated.

Students shall not have the right to interfere with the efforts of instructional staff members to coordinate or assist in learning, to disseminate information for purposes of learning, or to otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students. No student shall have the right to interfere with or disrupt any employee's work activities.

All personnel employed by the District are expected to relate to students of the District in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct.

Relationships between staff members and students that include "dating," "courtship," or "romantic involvement" are prohibited. These behaviors deviate from ethical or professional standards and shall be deemed unacceptable and contrary to the expectations of District governance.

Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process.

Violations of the above shall be considered serious and may result in severe disciplinary action.

Adopted: date of manual adoption

LEGAL REF.: 6.60.9.9 NMAC

CROSS REF.: JIC - Student Conduct

G-0900 © GBEBC
GIFTS TO AND SOLICITATIONS

BY STAFF MEMBERS

Gifts

An employee, or that person's family, shall not knowingly accept from a restricted donor a gift of a market value greater than two hundred fifty dollars (\$250) and a licensed educator must not accept a gift with a market value exceeding one hundred dollars (\$100). A restricted donor is a person or agent of a person:

- seeking a transaction with the donee's agency.
- who will be directly and substantially affected financially by performance of the donee's duties or the effect will be greater on a class of persons to whom the donor belongs than to the general public.
- with a matter pending before a regulatory agency in which the donee has discretionary authority.
- who is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

An employee shall not solicit gifts or donations for a charity in such a manner that it appears that the purpose of the donor in making the gift is to influence the employee in the performance of an official duty.

(Definitions for the terms gift, family and restricted donor can be found in the Gift Act cited below for purposes of interpreting the above section of policy.)

Students, parents, and other patrons of the District shall be discouraged from the routine presentation of gifts to employees. This shall not be interpreted as intended to discourage acts of generosity in unusual situations, and simple remembrances expressive of affection or gratitude shall not be regarded as violations of this policy.

Gifts to students by staff members shall be discouraged. Simple remembrances on certain occasions to all students in a class or section shall not be regarded as a violation of this policy.

Solicitations

A school employee's position in the District shall not be used to influence parents or students to purchase books or other merchandise, except for materials approved by the Superintendent for use in the classroom.

Staff-member solicitation(s) of other employees and/or students for any profit, nonprofit, or charitable groups, institutions, or organizations must have the approval of the Superintendent in advance.

No other solicitations shall be made by or of employees during official duty time.

Adopted: July 11, 2007

LEGAL REF.: 10-16B-1 NMSA - Gift Act
6.60.9.9 NMAC

Fidel Trujillo

From: Ramon Vigil [RVigil@cuddymccarthy.com]

Sent: Wednesday, December 02, 2009 2:01 PM

To: Fidel Trujillo

Subject: Gary Gregor

ATTORNEY-CLIENT PRIVILEGED INFORMATION

Dr. Trujillo: I spoke with Deputy District Attorney Lara Sundermann again today regarding the status of the investigation of Gary Gregor. She told me that they have not talked to the investigating officer from Espanola yet but that she would let us know if there are any new developments. Also, I asked if they could provide us with any information from the investigation related to allegations of wrongdoing at school or related to students so that the District could conduct its own investigation. She said that she would discuss this request with her supervisor DA Angela Pacheco.

I'll let you know if I hear anything.

Thanks, RV

**PLEASE NOTE OUR NEW FIRM NAME AND
MY NEW E-MAIL ADDRESS**

CUDDY & McCARTHY, LLP

RAMON VIGIL

rvigil@cuddymccarthy.com

ABQ 7770 Jefferson NE
Suite 305
Albuquerque, New Mexico 87109
(505)888-1335
(505)888-1369 fax

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3/9/2010

PETITIONER'S EXHIBITS

<u>Exhibit No.</u>	<u>Name of Exhibit</u>	<u>Page No.</u>
1.	Respondent's Application for New Mexico Continuing Licensure	1
2.	PED Notice of Contemplative Action (NCA)	5
3.	Respondent's Letter of September 10, 2010 to the PED	14
4.	Respondent's Request for Hearing and Letter of representation from Mr. Vigil	15
5.	PED Notice of Hearing	18
6.	Signed Return Receipt from Mr. Vigil	21
7.	PED Reprimand of Respondent dated May 13, 2005	22
8.	Statement from Vickie Sewing dated July 28, 2004	25
9.	January 28, 2004 Email from Aurelia Gomez to Vickie Sewing	30
10.	Interviews of students by Angela Montoya	31
11.	Letter from Angela Montoya to Respondent dated February 3, 2004	39
12.	Notice of Discharge dated March 2, 2004	40
13.	Letter from Helen Nakdimen to Vicky Sewing dated May 6, 2004	42
14.	Respondent's Resignation and Release of Claims dated June 10, 2004	43
15.	Drawing dated June 4, 2009 with students' markings	47
16.	Diagram of Respondent's classroom dated June 4, 2009	48
17.	Diagram of Respondent's house dated June 4, 2009	49
18.	Espanola School Board policies	50
19.	Amended Notice of Hearing	59
20.	Signed Return Receipt from Mr. Vigil's office	62
21.	Letter to attorney Gilbert Vigil dated October 18, 2010	63

PETITIONER'S WITNESSES

1. Lonnie Hudson, Bureau Chief 8:30
 Educator Ethics Bureau
 New Mexico Public Education Department
 300 Don Gaspar
 Santa Fe, NM 87501
 (505) 827-3983

2. Angela Dawson, Assistant Director
 Human Resources Department 12/16 @
 Santa Fe Public Schools
 610 Alta Vista 9:15
 Santa Fe, NM 87505
 (505) 467-2014

3. Kathlynn Salazar
 PO Box 4355 10:30
 Espanola, NM 87533
 (505) 455-9265

4. Anna Roybal and Tomas Salazar
 PO Box 4355 10:30
 Espanola, NM 87533
 (505) 455-9265, (505) 367-4642

5. Nallely Hernandez 11:15
 3201 Camino Cielo Grande
 Espanola, NM 87532

6. Bernadette Rivas 11:15
 3201 Camino Cielo Grande
 Espanola, NM 87532

(505) 614-4271

7. [REDACTED] a 12/17
[REDACTED] 3:00
[REDACTED]

9. Jennifer Chavez
714 Calle Don Diego 12/16
Espanola, NM 87532 1:00
(505) 367-3321

(505) 614-4271

8. [REDACTED] 12/17
[REDACTED] 3:00
[REDACTED]

10. Dr. Fidel Trujillo 12/16
714 Calle Don Diego 1:30
Espanola, NM 87532
(505) 367-3334
901-0066
cell



SYLVAN
LEARNING
CENTER®

To Whom It May Concern:

This is in recommendation of Gary Gregor who has been a part time instructor with Sylvan Learning Center for the past 2 years. He has been a reliable and conscientious worker who has not only been a good teacher but been invaluable in helping to monitor instructional needs and direct individual curriculum for students. He has shown initiative and consistency in performing his duties. He regularly extends himself to help out beyond his regular assigned duties.

As his supervisor, I have been able to assign tasks and be assured they will be followed through in a professional manner. He has been an asset to the Center and to the instructional team.

I highly recommend him as an employee in his future endeavors.

Sincerely,

Mary S. Wooten, M.Ed.
Director of Education

I received a phone call that Dr. Gary Gregor was favoring one of his students and was allowing her to sit by his desk. Upon observing his classroom I noticed [REDACTED] Gonzales sitting by his desk. I called [REDACTED] out of her class and asked her why she was sitting by Dr. Gregor's desk. She immediately responded that she was class president and the president got to sit there.

I called my supervisor, Corine Salazar, and told her about the alleged incident. Her advice was for me to put Dr. Gregor on Administrative leave while this matter was being investigated. I informed Dr. Gregor that he would be placed on Administrative leave until further notice.

I started to investigate the concerns about Dr. Gregor's behavior. I held a conference with [REDACTED] family. I presented the findings to the family. They got very upset with the allegations as Dr. Gregor was a family friend. He has been invited to [REDACTED] baseball games. They felt that they had established an open line of communication with Dr. Gregor through e-mails, phone calls, and face to face. They questioned [REDACTED] about the concerns. She stated that Dr. Gregor had not had any improper behavior.

I questioned several other students and none of them had seen anything improper.


As a result of the investigation, I called Ms. Salazar and gave her the results of the investigation. She and Dr. Cockerham gave him the go ahead to return to work, as the allegations were unfounded.

Ruby E. Montoya

RE: Gary Gregor

My wife and I have known Gary on a personal as well as professional level for eight years. He was a teaching associate with my wife at Sara Jane Adams Elementary School where we came to observe and know him very well. He is an extraordinary teacher who had a positive and lasting influence on his classes. He took a personal interest in each child and his students looked up to him and worked hard for him. He was particularly adept in introducing elementary school children to computers. He made young people aware of current and political events through lively discussions and played a positive roll in preparing students to be good citizens.

We were sorry to see him leave our area. We had looked forward to having our grandchildren attend his classes. We have confidence that he will excel in any future endeavor, and would recommend him highly to any person or institution with whom he associates.


JoAnn Turner


Charles Turner

Letter of recommendation :

Re: Gary Gregor

From: Nancy Hayes

1704 N. Valleyview Dr.

Layton, Utah 84040

[REDACTED]

[REDACTED]

[REDACTED]

720 St. Michael's Drive, Suite A
Santa Fe, NM 87505
Telephone: (505) 438-4409
Fax: (505) 438-4409



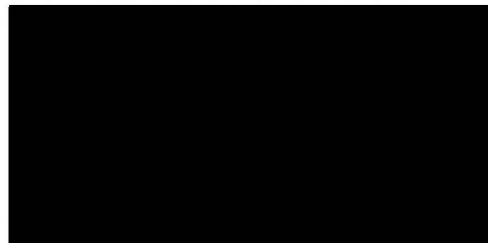
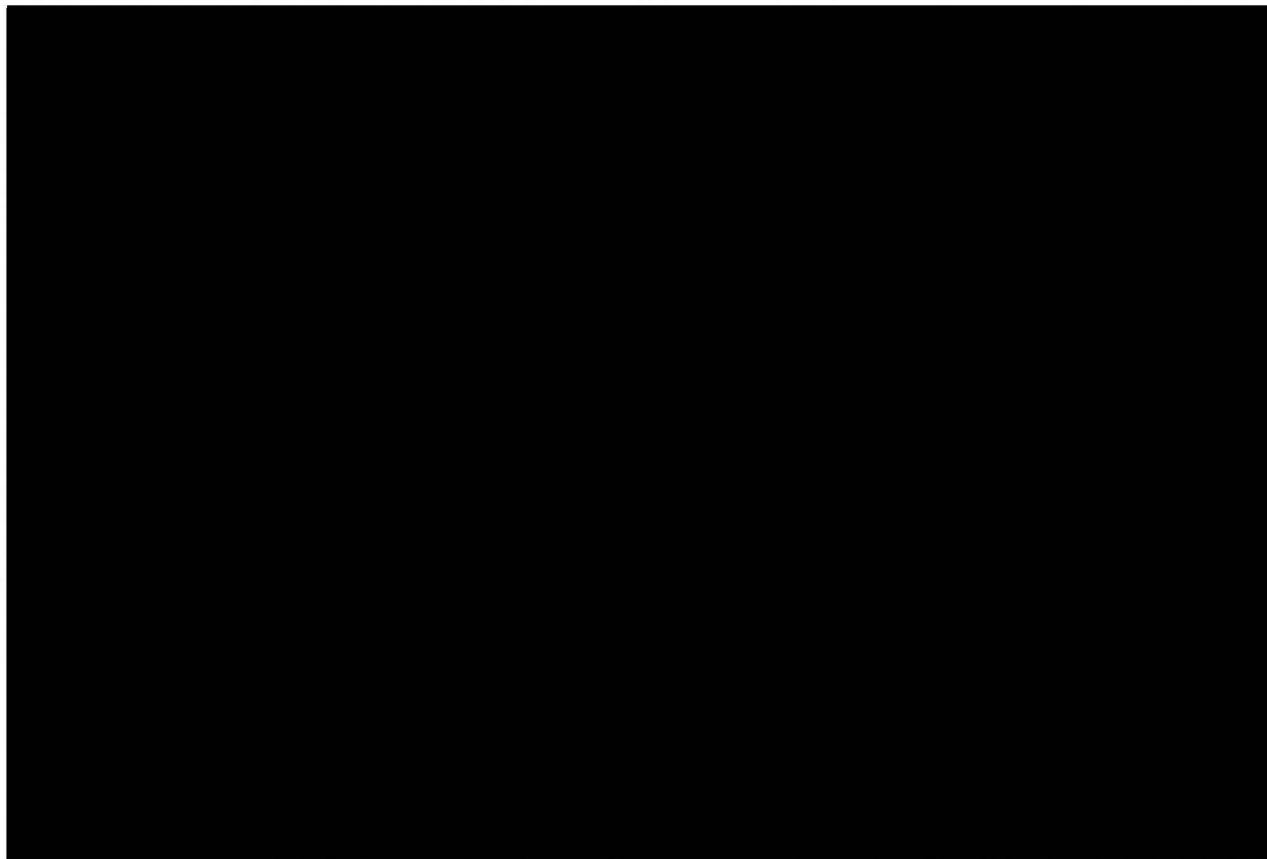
May 7, 2001

[illegible]



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Regional
Treatment Center for
Sexual Abuse*

Serving Davis, Weber, Morgan and Box Elder Counties



TR/sr